



2025:DHC:7831



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Reserved on:29.08.2025
Date of Decision:09.09.2025*

+ BAIL APPLN. 1707/2025

SAGAR UJJWAL@UDHAM

.....Petitioner

Through: Ms. Anu Narula, Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for State
with Mr. Aditya Vikram Singh, Adv. with
Inspector Chote Lal
Daughter of deceased (through VC)

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The instant bail application has been filed on behalf of the applicant/petitioner/accused seeking regular bail under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ in case arising out of FIR No. 532/2023.

Factual Matrix

2. FIR No. 532/2023, at PS - Sarai Rohilla, was registered on 05.07.2023 for offences under Sections 302/506 of the Indian Penal Code, 1860² and

¹hereinafter "BNSS"

²hereinafter "IPC"



Sections 25/27/25(8) of the Arms Act, 1959³ in respect of the fatal shooting of the deceased Smt. Poonam Mittal at the residence of the complainant, who is the deceased's daughter.

3. The genesis of the offence is traced to a dispute between the complainant and one Ankit Kaushik/main accused. Ankit allegedly went to the complainant's house and opened fire, causing fatal injuries to her mother.

4. During the course of investigation, Ankit Kaushik, in his supplementary disclosure statement, disclosed that he procured the country-made pistol used in the offence through Vijay Ujjwal and the present applicant Sagar Ujjwal @ Udham.

5. It is alleged that in early May 2023, Ankit and one Naveen visited Village Hazurabad Garhi, District Baghpat, U.P., where they met Vijay and Sagar. On 10.05.2023, Ankit purportedly transferred ₹44,000/- via PayTM to Vijay and also paid ₹12,500/- in cash to the petitioner Sagar. Two magazines and cartridges were allegedly handed over by Vijay and the applicant to Ankit. A further payment of ₹8,000/- was allegedly made in cash 8–10 days later for 20 cartridges.

6. The petitioner was arrested on 10.07.2023 from Village Hazurabad Garhi. He has remained in custody since 11.07.2023 and is presently lodged at Central Jail No.13, Mandoli. The charge-sheet was filed under Sections 302/506 of the IPC and Sections 25/27/25(8) of the Arms Act. However, charges were framed against the petitioner only under Section 25(8) Arms Act *vide* charge order dated 18.07.2024. The petitioner has now been in

³ Hereinafter "IPC"



custody for over 2 years. A supplementary charge-sheet was filed on 05.04.2025.

7. The record reflects that the prosecution case *qua* the petitioner is primarily based on (i) disclosure statements of prime accused, (ii) alleged money trail into co-accused Vijay's bank account, and (iii) CDR and location records showing the petitioner in the vicinity on 10.05.2023.

8. As on 24.05.2025, the trial was at the stage of prosecution evidence. The petitioner is 28 years old, has no prior criminal antecedents, and as per the nominal roll dated 10.07.2025, his jail conduct is recorded as *satisfactory*.

Submissions on behalf of the petitioner

9. Ms. Anu Narula, learned counsel appearing on behalf of the petitioner submits that the only role ascribed to the petitioner is that of supplying a weapon, without any direct involvement in the actual commission of the crime.

10. It is argued that the petitioner is not named in the FIR, and there is no eyewitness or direct evidence linking him to the procurement or supply of arms.

11. The case record itself shows that charges were framed vide order dated 18.07.2024 against the prime accused Ankit under Sections 302/506 of the IPC and 25/27 of the Arms Act, whereas against Sagar (petitioner) only under Section 25(8) of the Arms Act. Thus, the role attributed to the petitioner is distinct and limited to that of the main accused Ankit.



12. The alleged act of supply took place nearly two months prior to the incident (i.e., in May 2023), whereas the offence occurred on 05.07.2023. There is no call between the co-accused with present petitioner as per CDR till 10.05.2023. Thus, it is argued that the causal link between the alleged act of supply and the offence is tenuous and remote.

13. It is contended that the petitioner is not named in the FIR and was implicated only on the basis of co-accused's disclosure statements, which are not substantive evidence. Moreover, the petitioner asserts that the alleged money was deposited into Vijay Ujjwal's account, and no funds were received by the petitioner himself. The cash transaction is mere allegation with no substantial proof of the same. No document or bank statement evidences any monetary gain or transfer to the petitioner.

14. Learned counsel disputes the credibility of the CDR data, contending that mere location in the same vicinity does not establish meeting or culpability. The same merely establishes presence in the area and not involvement in a transaction or conspiracy. Further, houses of co-accused Vijay and present petitioner are in close vicinity with mere distance of 150 to 200 mtrs. So, possibility of petitioner's location with co-accused is very probable and natural. It is submitted that this material, even if assumed correct, does not rise to the level required for denial of bail, particularly in light of the limited role ascribed.

15. She further contends the petitioner's prolonged incarceration of more than two years, lack of recovery from him, non-examination of material witnesses, and satisfactory conduct in jail. It is submitted that the trial is at a nascent stage and there is no likelihood of early conclusion. The petitioner undertakes not to tamper with evidence or influence witnesses and is willing



to abide by any condition imposed. Thus, it is prayed that the instant bail application may be allowed, and the reliefs be granted as prayed for.

Submissions on behalf of the State

16. *Per contra*, learned APP, appearing on behalf of the State, opposes the bail application. Relying upon the status report and case diary, it is submitted that the petitioner, along with co-accused Vijay, was instrumental in supplying the pistol and ammunition which was used in the commission of a heinous offence involving the cold-blooded murder of a woman inside her residence.

17. It is submitted that CDR and location data corroborate the meeting between the accused persons at Hazurabad Garhi on 10.05.2023. It is further submitted that the disclosure statements of the co-accused have been consistent, and Vijay has received money in his account. The prosecution asserts that the role of supplier of weapons in furtherance of a criminal conspiracy should not be undermined, and given the seriousness of the offence, bail ought not to be granted at this stage.

18. The prosecution apprehends that the petitioner, if released, may attempt to evade trial or influence witnesses, especially considering that the complainant and key witnesses are yet to depose. The possibility of tampering with evidence cannot be ruled out. Thus, it is prayed that the present application may be dismissed.

Analysis

19. Heard the parties and perused the record.



20. The role attributed to the applicant is limited to facilitating illegal procurement of a firearm. He is not named in the FIR and is not charged with murder. As per the record, charges were framed against him only under Section 25(8) of the Arms Act, unlike the co-accused Ankit against whom charges of Section 302/506 of the IPC and 25/27 of the Arms Act were framed. This reinforces the limited nature of the allegation against the petitioner as a purported facilitator, distinct from the principal homicidal act.

21. This Court is conscious that the provision is serious; however, for present purposes, the Court must test whether the materials against the applicant, who is not charged with murder, justify continued pre-trial incarceration, bearing in mind the nature of evidence and the progress of trial.

22. The principal allegation against the applicant is that he, along with co-accused Vijay, facilitated the procurement of a country-made pistol and magazines, which were later used in the commission of the murder. It is material to note that the applicant is not facing charges under Section 302 of the IPC or any other provision relating to the homicidal act itself, but only under Section 25(8) of the Arms Act. The role attributed to the petitioner is that of a conduit or facilitator in the purported procurement of arms, which is distinct and remote from the direct commission of the offence under Section 302 of the IPC.

23. In the present case, the linkage sought to be established between the petitioner and the act of supply rests primarily on disclosure statements and CDR along with the location of the accused persons, all of which are subject matters of trial and may not be weighed in at the stage of bail.



24. The prosecution seeks to bolster its case by relying on CDR data and location data which show that on 10.05.2023, the petitioner and co-accused Sagar were present in the same general vicinity, i.e., Village Hazurabad Garhi, Baghpat, U.P. However, it is equally true that this location data does not conclusively establish co-location at the precise time and place of the alleged handover. No CCTV footage, or eye-witness confirmation etc. have been brought on record to affirm the meeting between the applicant and the prime accused Ankit Kaushik. Additionally, the CDR and location data, at best, shows proximity in time and place but does not establish the commission of any specific act.

25. On a perusal of the status report, the so-called “money trail” relies on PayTM credits dated 10.05.2023 into the bank account of co-accused Vijay. However, it is an admitted position on record that no amount stands credited to the petitioner’s bank account, except for the allegation of cash transaction between him and the prime accused Ankit. Neither the FIR, the charge-sheet, nor the status report placed on record any other financial transaction implicating the petitioner directly. The alleged transactions, while forming the crux of the prosecution’s case, cannot be viewed in isolation or accorded determinative evidentiary value.

26. Notably, the alleged transaction of supply is stated to have taken place on 10.05.2023, whereas the offence occurred on 05.07.2023, i.e., nearly two months later. This temporal disconnect weakens the argument of the alleged nexus between the act of supply and the crime.

27. While location proximity may raise a *prima facie* suspicion, it cannot, at the bail stage, override the considerations of limited role, absence of recovery, and prolonged incarceration. The petitioner’s position that he was



not involved in the physical handover or in any actionable conspiracy cannot be refuted solely on the basis of disclosure or CDR etc. These are matters best left for trial where the burden of proof and standard of evidence shall be applied rigorously.

28. Applying these principles, this Court finds that the petitioner has remained in custody for almost two years and the evidence against the petitioner consists primarily of circumstantial inferences and disclosure statements.

Conclusion

29. In view of the foregoing discussion, particularly the limited role ascribed to the petitioner and the facts of the case, this Court is of the considered view that continued detention of the petitioner would not serve the ends of justice.

30. Accordingly, the present application is allowed, and the petitioner shall be released on regular bail upon him furnishing a personal bond in the sum of ₹50,000/- with one solvent surety of the like amount to the satisfaction of the learned Trial Court subject to the following terms and conditions:

- a. He shall appear before the learned Trial Court on each date of hearing unless exempted;
- b. He shall not tamper with evidence or attempt to influence witnesses in any manner; and
- c. He shall not leave the Country without prior permission of this Court.



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31. It is made clear that the observations made hereinabove shall not be construed as an expression of this Court on the merits of the case before the learned Trial Court.

32. The instant bail applications, along with the other pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

SEPTEMBER 9, 2025/ar/dd