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

+ **BAIL APPLN. 1708/2025**

GULSHAN@ AMAN

.....Petitioner

Through: **Mr. M.K. Perwez, Adv.**

versus

THE STATE NCT OF DELHI

.....Respondent

Through: **Mr.Tarang Srivastava, APP for the
State with SI Rajesh Kumar Koli, PS
Nihal Vihar.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

27.11.2025

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1. The present petition has been filed under Section 483 of the BNSS (Section 439 of the CrPC) seeking regular bail in connection with FIR No. 1070/2021 under Sections 395/397/34 IPC and Sections 25/27 of the Arms Act, registered at P.S. Nihal Vihar.
2. The case of the prosecution is that on 21.08.2021 at about 1:30 AM, at road near Haryana Dairy, Shamshan Ghat Road, Laxmi Park, Delhi, Gulshan @ Aman (petitioner herein) alongwith three CCLs had robbed a purse containing 24,000/- and mobile from the complainant. It is alleged that while committing robbery, the petitioner had used deadly weapon i.e. country made pistol. It is also the case of the prosecution that on 26.08.2021 at *Ganda Nala* Road, near DDA Park, Nihal Vihar, Delhi, weapon of the offence i.e. country made pistol and one live cartridge were recovered from



the petitioner.

3. Mr. M.K. Parvez, the learned counsel appearing on behalf of the petitioner submits that the prosecution has cited three eye witnesses in the present case. He contends that insofar as two eye witnesses namely, Malik Ram/PW-2 and Rajender/PW-3 are concerned, they have not identified the present petitioner.

4. As regard the complainant namely, Nirdosh, who has been examined as PW-1, Mr. Parvez submits that the said witness has stated that the accused Gulshan was shown to him in the police station, therefore, the identification of the petitioner in the Court loses its significance.

5. He further contends that the petitioner is in custody since 26.08.2021 and has been incarcerated for approximately four years and two months. He submits that the Nominal Roll also reflects that there are no other cases against the present petitioner.

6. *Per contra*, Mr. Tarang Srivastava, learned APP appearing on behalf of the State, has argued on the lines of the status report.

7. I have heard the learned counsel appearing on behalf of the petitioner as well as, learned APP for the state and have perused the record.

8. A bird's eye view of the testimonies of the PW-2 and PW-3 shows that the said witnesses have not identified the present petitioner. Further, it appears that the present petitioner was shown to PW-1 in the police station on 27.08.2021, as this fact has been admitted by PW-1 in his statement, therefore, the submission of the petitioner's counsel that the identification of the petitioner by PW-1 in the Court loses its significance, is not wholly without substance. Though the probative value of the testimonies of PW-1, PW-2 and PW-3 will be considered by the learned Trial Court, but at this



stage, the same tilts the balance in favour of the petitioner for grant of bail.

9. Further, as per the Nominal Roll, the petitioner has been in custody for over four years and two months. Moreover, there are no previous involvements of the petitioner as per the nominal roll.

10. Insofar as the punishments awarded to the petitioner in jail are concerned, they are all prior to April, 2024, and for the past one year, the behavior of the petitioner appears to be satisfactory.

11. Insofar as availability of the petitioner during trial, or for accepting the punishment, in the event, he is held guilty, can be ensured by imposing appropriate conditions.

12. Having regard to the aforesaid circumstances, the petitioner is admitted to regular bail subject to his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

- a. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b. Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- c. Petitioner shall not come in contact with the complainant or any or other witnesses.

13. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.



14. The application is disposed of.
15. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
16. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

NOVEMBER 27, 2025

Pallavi