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

+ **BAIL APPLN. 1836/2025**

HARSH KUMAR @ BHATI

.....Petitioner

Through: Mr. Mayank Pandey, Mr. Sunil Kumar and Mr. Sunny Sharma, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for the State with SI Shubhanshu, PS Kalyan Puri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

21.07.2025

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1. Bail Application under Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.PC.'*) now Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*), has been filed on behalf of the Petitioner, Harsh Kumar @ Bhati for grant of Regular Bail in FIR No. 0536/2021 under Section 307 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) and under Section 25/27 of the Arms Act, 1959 registered at Police Station Kalyan Puri.

2. It is submitted that as per the Prosecution story that the Complainant, Ms. Kamini was shot by the Applicant, in the presence of her husband. However, in the MLC or in the first instance, the name of the Applicant was not disclosed. It has been introduced subsequently, which was a false



implication. Furthermore, Manoj Kumar, the husband of the injured, was detained by the Police for four days, which also corroborates that it was he, who had shot Ms. Kamini, but has falsely named the Applicant. It is further submitted that the weapon of offence has not been recovered. The blood of the injured was not found on the clothes of the husband. The finger prints have not matched. Interim Bail has been granted 3-4 times and the Applicant has never misused his liberty. *Hence, the prayer is made that the Regular Bail be granted to the Petitioner.*

3. ***Status Report has been filed on behalf of the State*** wherein it is submitted that Ms. Kamini had been shot with a gun near her chest and was taken to the LBS Hospital. In the MLC, the doctor had indicated the alleged history of gunshot at 18 Block, Jhuggi and described the nature of injuries as under observations. She was declared unfit for Statement.

4. Let the same be taken on record.

5. It is submitted that the Complainant/injured gave her Statement wherein she named the Applicant as the person who came up to her house and shot with a gun because of which she suffered injuries and was taken to the hospital. It is further submitted that as per the Applicant, Harsh Kumar, he has handed over the pistol to his friend, Sushil Singh, who was not apprehended initially and was declared as Proclaimed Offender on 25.06.2022. He was subsequently arrested on 30.11.2023.

6. The Bail is opposed on the grounds that the offence is of serious nature. There is likelihood of the Applicant jumping the Bail. Accordingly, the present Bail Application be dismissed.

7. **Submissions heard and the record perused.**

8. It is a case where the Applicant had fired at the Complainant, who had



suffered a gunshot injury near her chest i.e. the vital part of the body. On her Statement, the FIR has been registered. As per the Applicant, five witnesses, out of 14, have already been recorded. He is in judicial custody since 28.09.2021. The trial is likely to take long.

9. Considering the totality of circumstances, the Accused/Petitioner is granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/Accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

10. Copy of this Order be communicated to the Jail Superintendent, as well as, to the Ld. Trial Court.

11. The Bail Application is accordingly, disposed of.

NEENA BANSAL KRISHNA, J

JULY 21, 2025/RS