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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 1940/2025, CRL.M.(BAIL) 1113/2025**

**ANUP GUPTA @ ANNU** .....Petitioner  
Through: **Mr. L. K. Verma, Mr. Hritik Verma**  
**and Mr. Mohit Verma, Advocates.**

versus

**STATE OF NCT OF DELHI** .....Respondent  
Through: **Mr. Utkarsh, APP with SI Rajnish,**  
**PS: Lodhi Colony.**

**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**  
**22.07.2025**

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1. Application under Section 528 of BNSS has been filed on behalf of the Petitioner for grant of Regular Bail in case FIR No.0217/2024 under Sections 109(1)/3(5) BNS and Section 25/27/54/59 Arms Act, registered at Police Station: Lodhi Colony.
2. The bail is sought on the ground that the Petitioner is in judicial custody since 20.12.2024. Co-accused Hansraj Gupta @ Nikki and Bhupesh Gupta, who had allegedly caused knife injuries on thigh of injured persons have been admitted to bail by the learned Trial Court vide Orders dated 17.03.2025 and 02.04.2025 respectively.
3. As per the MLC of injured, they had sustained lacerations and abrasions and stab injuries by a knife. It is evident that no injury due to firing of the bullet or due to strike allegedly caused by butt of the pistol, was suffered by the injured persons. As per the Chargesheet, one empty bullet cartridge and one live bullet were recovered from the spot. In fact, as is



mentioned in the FIR, the first gunshot was fired in the air, while second gunshot was aimed at the Complainant but it misfired and consequently no injury was caused to the complainant.

4. It is submitted that co-accused, who allegedly inflicted injuries with knife have already been admitted to bail by the learned Trial Court. Bail of the Petitioner Anup Gupta @ Annu is sought on the ground of parity, for which reliance has been placed on ***Sanghian Pandian Rajkumar vs. Central Bureau of Investigation and Anr.***, 2014(12)SCC 23 and Zishan Akhtar Abdul Malik vs. State of Maharastra, CR. BAIL APPLICATION NO. 2603/2021 decided on 31.01.2022.

5. It is further submitted that there was no motive for the alleged commission of offence. The statements of witnesses are contrary and do not establish any motive.

6. It is further submitted that Petitioner belong to a respectable family and has deep roots in the society and there is no apprehension of his absconding or tampering with the prosecution evidence. He undertakes to comply with any condition of bail by this Court. Hence, the prayer is made that he be admitted to bail.

7. Status Report has been filed on behalf of the State, wherein the brief facts of the case have been explained. It is stated that on the information received vide DD No.1A dated 19.12.2024 at about Prabhu Market, Lodhi Colony, New Delhi, IO/SI Rajnish along with staff reached at the spot where victim was lying unconscious and there was pool of blood near the body. The PCR was called and injured was taken to AIIMS Trauma Center, where he was identified as Nitin S/o Sh. Haridas by other injured namely Gaurav @ Monu S/o Sh. Govind Singh.



8. The scene of crime was inspected thoroughly where one live cartridge and one empty/fired cartridge was also recovered lying at the spot. Subsequently, MLCs of injured persons Nitin and Monu were collected, wherein multiple injuries were indicated to have been suffered by them.

9. The complainant Gaurav @ Monu S/o Sh. Govind Singh, aged 25 years, reported that on 19.12.2024 his friend Nitin had received a call from Anoop Gupta @ Annu (Petitioner herein) on his mobile that he had called to meet both of them at Prabhu Market, Lodhi Colony, because they both used to sell liquor for him. This had led to a dispute between them regarding the money transaction. Anoop Gupta @ Annu came there in his Baleno vehicle accompanied by his brothers Bhupesh, Hansraj alias Nikki and his co-worker Imran alias Mendhak. He got out from his car, started verbally abusing the Complainant, and questioned them how they could refuse to work for him. Without hesitation, Applicant struck Nitin across the face and threatened to kill both of them, if they did not comply with his demands. He then drew a pistol from his right side and fired into the air. At the same time, his associates, Nikki, Bhupesh and Imran @ Mendhak joined him, who were armed with knives. Petitioner ordered them to kill the Complainant and his friend, on which they all started assaulting them. Petitioner attempted to shoot at Complainant with the intention to kill him, but the pistol misfired. He then struck the left ear of complainant and hit Nitin in the head and mouth with the Pistol's butt, causing Nitin to collapse. Bhupesh and Imran @ Mendhak stabbed the Complainant with knives, injuring both of his legs. In the midst of the chaos, Nitin came to his rescue, even though he was severely injured with knives. On this statement, FIR No.0217/2024 under Sections 109(1)/3(5) BNS and Section 25/27/54/59 Arms Act.



10. After this, the CCTV footage was collected, wherein the Petitioner along with his other associates can be seen coming in his Baleno car. The CDRs have also been obtained to show that telephonic call was made by the Petitioner to Complainant Nitin. The cartridges etc. have been recovered.

11. Chargesheet has been filed and matter is pending at the stage of supplying the documents and committal.

12. **Submission heard and record perused.**

13. The Petitioner is in judicial custody since 20.12.2024. The Chargesheet has already been filed and the co-accused have already been admitted to bail. Though, the Petitioner had fired, but to the good luck of the complainant the gun misfired and no bullet injury was caused. There are 46 prosecution witnesses and trial is still to commence and is likely to take long.

14. Considering his incarceration and that the trial is likely to take long, the Petitioner/Accused is granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/Accused shall furnish a personal bond of Rs.25,000/- 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; and



- 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.
15. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.
16. The Bail Application is accordingly disposed of. Pending Application, if any, also stands disposed of.

**NEENA BANSAL KRISHNA, J.**

**JULY 22, 2025/R**