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

+ **BAIL APPLN. 1982/2025**

**AJAY KUMAR**

.....Petitioner

Through: Mr. Abdul Salam, Advocate

versus

**THE STATE GOVT. OF NCT OF DELHI AND ANR....Respondents**

Through: Mr. Manoj Pant, APP for the State  
with Mr. Vikrant Singh, Ms. Shimpi  
Chaudhary, Mr. Manoj Kumar,  
Advocates and SI Pankaj Kumar

**CORAM:**

**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

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**23.05.2025**

**CRL.M.A. 16092/2025 (exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**BAIL APPLN. 1982/2025**

3. By way of the instant application, the applicant seeks grant of pre-arrest bail in case arising out of FIR bearing no. 120/2205, registered at Police Station Jyoti Nagar, Delhi for the commission of offence punishable under Sections 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.



5. Briefly stated, the facts of the present case are that on 03.03.2025, a PCR call was received, informing that the son of the caller had received two bullet injuries and he had been taken to the GTB Hospital. Further, the FIR was registered on the complaint of complainant Abhishek Chikara, who stated that he already had a dispute with one Karan Sood and Monti @ Kala with respect to some electricity connection, and previously, some cases had been registered with regard to their disputes. Further, on 03.03.2025, he and one Aakash Sharma were going to buy some goods and at that time i.e. at around 8.45 pm, in Gali No.1, Shakti Garden, Karan, Monti, Dhoti, Ajay Bhuri and Vasu were standing in front of a shop. As soon as they had seen the complainant and Akash Sharma, they had started abusing them. Thereafter Karan had opened fire on the complainant whereas Monti @ Kala had fired on Aakash Sharma Further, accused Dhoti and Vasu had also fired with their guns and thereafter they had run away towards Uttar Pradesh.

6. The learned counsel appearing on behalf of the applicant Ajay argues that the present applicant has no connection with the alleged offence. He also argues that the CCTV footage seized by the police does not reveal his presence at the spot or his participation in the offence in question. He further argues that the applicant/accused has been falsely implicated in the present case and thus, he be granted pre-arrest bail.

7. The learned APP for the State, on the other hand, argues that the statement of the witnesses as well as the complainant specifically mentions that the applicant herein had also participated in the offence in question. It is further argued that a passerby had also received gunshot injury, and he had specifically named the present applicant. It is stated that the custodial interrogation of the applicant is required and thus, the present bail



application be dismissed.

8. This Court has heard arguments addressed on behalf of both the parties and has also gone through the impugned order.

9. In the present case, the learned Sessions Court, in the order dated 02.04.2025, has mentioned that the complainant was specifically summoned by the Court from the judicial custody, as he was in judicial custody in a cross-FIR bearing No.119/2025, registered at Police Station Jyoti Nagar, Delhi for the commission of offence punishable under Section 109(1)/3(5) of BNS, 2023. The complainant had specifically named the applicant herein as the person who had participated in the incident of firing.

10. Insofar as the CCTV footage is concerned, this Court is informed that the said footage does not cover the exact spot of commission of offence and thus, not only the present accused, but no other accused is visible in the CCTV footage.

11. Thus, whether the CCTV footage records or captures the applicant or not, at this stage, in the circumstances as mentioned in the preceding paragraph, and also the fact that the complainant as well as an eye witness has specifically named the applicant and also assigned specific role of firing to him, can be of no help to the present applicant.

12. The allegations against the applicant are serious in nature. Moreover, Non-Bailable Warrants already stands issued against him. In the given facts, the applicant's custodial interrogation would be necessary, for recover of weapon of offence, if any, etc.

13. In view of the aforesaid, this Court finds no ground to grant pre-arrest bail to the applicant.

14. The bail application is accordingly dismissed.



15. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

16. The order be uploaded on the website forthwith

**SWARANA KANTA SHARMA, J**

**MAY 23, 2025/ns**

*Click here to check corrigendum, if any*