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

+ **BAIL APPLN. 2081/2025**

KAPIL SOOD

.....Petitioner

Through: Mr. Abhinav Sarup Sharma and
Mr. Mahender Shukla, Advocates.

versus

STATE (GOVT OF NCT DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Brijmohan,
PS – Kotwali, North District.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

08.09.2025

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1. Applicant herein seeks regular bail in case FIR No. 951/2024, dated 21.10.2024 for the alleged offences under Sections 109(1) (Attempt to Murder), 3(5) (In furtherance of common intention) of the BNS and Section 25/27 of the Arms Act, registered at PS Kotwali.

2. Case of the prosecution is that aforesaid FIR was registered on the statement of complainant Nitin s/o Rinku R/o H. No. 2723 Chowk Rai Ji, Roshan Pura, Chandani Chowk, Kotwali, Delhi and investigation was taken by the IO. On night of 20-21/10/24, complainant Mr. Nitin s/o Rinku r/o 2723 chowk Rai Ji, Roshan Pura Chandni Chowk was sitting in his Gali when around 12.30 AM, when Kapil Sood (applicant) & Vansh who are well known to him, came on a bullet motorcycle bearing registration no



DL13SS-1432 along with 2 unknown people on a scooty and threatened the complainant with dire consequences related to previous animosity.

2.1. Further, Kapil Sood (applicant) pointed a pistol at the complainant and fired, but the complainant ducked down and was saved. Kapil tried to fire more rounds in air but the pistol jammed and could not fire, after that the accused/applicant Kapil fired one more round in the air and threaten the complainant, co-accused Vansh also pointed a Katta at the complainant. On hearing the gunshot people living nearby reached the spot, and all the accused fled from the spot leaving behind the above bullet motorcycle.

2.2. The incident is captured in the CCTV footage and where present applicant Kapil Sood is clearly visible in the CCTV footage. During the course of investigation co-accused Vansh s/o Deepak r/o H. No. 2023 Barf Wali Gali, Kinari Bazar, Chandani Chowk, Delhi was arrested on 21.10.24 in the present case and weapon of offence country made pistol (Katta) was recovered from his possession and he disclosed that applicant/accused Kapil Sood had fired a shot at the complainant with intention to kill him. After that applicant Vansh sent to JC. The chargesheet against Vansh has been filed.

2.3. Accused/applicant Kapil Sood was searched at his home and hideouts places but he absconded from his arrest. Proceedings u/s 84 BNSS were also initiated against present applicant accused.

2.4. Finally, applicant accused was arrested 15.01.25 by the special staff North District and police custody remand of accused Kapil was obtained. During police custody remand of accused/applicant Kapil Sood, weapon of offence one pistol along with two live cartridges were recovered at his instance.

3. That the previous regular bail application of the Applicant/Accused



has been dismissed by the Ld. Special Judge, Tis Hazari Courts vide an order dated 05.05.2025.

4. In light of the above learned counsel for the applicant argues as below:-

4.1 That no incriminating or substantial evidence is available on record to connect the Applicant with the commission of the alleged offence, and the applicant has been falsely implicated. Moreover, the alleged weapon used has already been recovered from co-accused Vansh, yet the police falsely claimed recovery from the applicant's residence.

4.2 That the co-accused, Vansh has already been granted bail by this Court *vide* order dated 20.03.2025 and thus, the Petitioner is also entitled to bail on the principle of parity.

4.3 That the Ld. Trial Court has failed to substantiate any reason for not extending bail to the Applicant in accordance with the observations, terms, and conditions laid down by the Coordinate Bench of this Court *vide* its order dated 20.03.2025.

4.4 That the Ld. Trial Court did not even record the submissions made by the counsel for the Petitioner, and as such, the same are missing from the order dated 05.05.2025. Moreover, that the Ld. Trial Court has erred in holding that the Petitioner had a different or major role in the alleged offence, without any cogent basis on record.

4.5 That the investigation qua the Petitioner has been completed and the chargesheet has been filed before the Trial Court, the matter is now pending trial and is fixed for consideration on the point of charge on 27.05.2025 and trial is moving at snail's place.

4.6 That the Applicant was arrested on 15.01.2025 and has been in



judicial custody for more than 7 months. Furthermore, it is submitted that the prosecution has cited 11 witnesses, whose examination and cross-examination will take considerable time, thereby rendering prolonged detention of the Petitioner unjustified.

4.7 That the Hon'ble Supreme Court in ***Union of India vs. K.A. Najeeb***¹ held that where timely trial is not possible and the accused has undergone significant incarceration, the court is obligated to grant bail.

4.8 That the Petitioner is the sole breadwinner for his dependent family, including his wife, three minor children, two unmarried sisters, and a widow mother, who are now facing extreme financial hardship, and that if the Petitioner is denied bail, it would irreparably damage his future and social reputation, and lead to irrecoverable personal and financial loss.

5. Learned APP opposes the bail and urges that:-

5.1 That the applicant/accused is actively involved in the present case, wherein he allegedly fired towards the complainant and made an attempt on the life of the complainant. Moreover the incident is captured in CCTV footage, clearly showing the applicant/accused fired on the complainant, thereby directly connecting him to the commission of the alleged offence.

5.2 That during the course of investigation, a pistol (weapon) along with two live cartridges, alleged to have been used in the crime, has been recovered from the possession of the applicant/accused.

5.3 That the applicant/accused has a previous criminal involvement, specifically in Case FIR No. 61/2012 under Sections 323/324/326/452/34 IPC, PS Kotwali, and that the applicant/accused has already been convicted

¹ AIR 2021 SC 712



in the same Case FIR No. 61/2012.

5.4 That considering the aforementioned facts, the nature of the offence, and the past conduct of the applicant/accused, there exists a grave apprehension that he may threaten the complainant and tamper with the evidence, or may cause injury/loss to the life of the complainant and that the bail is opposed to prevent the accused from tampering with the evidence or interfering with the course of justice in any manner whatsoever.

5.5 That the other co-accused persons are yet to be identified, and if the applicant/accused is released on bail at this stage, there is every likelihood that he may tamper with evidence and hamper the ongoing investigation.

6. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

7. First and foremost report dated 21.10.2024, filed by prosecution be seen. Same reveals that the applicant/ accused Kapil Sood is actively involved in the present case where he had fired towards the complainant and made an attempt on the life of the complainant, which somehow the complainant managed to escaped and save his life. The incident is captured in the CCTV footage so the present applicant accused Kapil Sood is clearly seen firing on the complainant. During the course of investigation, one pistol (weapon) used in the crime along with two live cartridges have been recovered from applicant/ accused Kapil Sood. The applicant accused has previous involvement in case FIR No. 61/2012 U/s 323/324/326/452/34 IPC PS Kotwali. The applicant accused was also convicted in the case FIR No. 61/2012 U/s 323/324/326/452/34 IPC PS Kotwali.

8. Having perused the report, supra, which reflects that antecedents of the applicant are not clean and also having examined the CCTV footage



brought to the court, I am unable to extend parity to the applicant, as urged by his learned counsel on the ground that a co-accused, who had also fired in the air with a *desi katta*, has already been granted bail *vide* order dated 20.03.2025, by a Co-ordinate Bench of this Court. The CCTV footage unmistakably shows that after firing in the air, the present applicant brandished the weapon at the complainant in a threatening manner. Although the CCTV does not capture the conversation and, therefore, the exact words used cannot be ascertained, the threatening gesture is clearly evident.

9. Moreover, it appears that while the co-accused were merely in possession of *desi katta*, the present applicant was found carrying an unlicensed pistol, a far more dangerous weapon than those recovered from the co-accused.

10. Considering the role attributed to the applicant and in view of the status report filed by the prosecution, I am of the opinion that releasing him on bail at this stage would pose a threat to society at large. No case for interference is made out.

11. Accordingly, the application is dismissed, with liberty to the applicant to renew his prayer for bail at a subsequent stage, depending on the progress of the trial.

ARUN MONGA, J

SEPTEMBER 8, 2025

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