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

+ **BAIL APPLN. 2279/2025**

NIKHIL KHATRI

.....Petitioner

Through: Mr. Randheer Singh and Ms. Jaya
Shakya, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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27.08.2025

1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (old Section 439 of the Code of Criminal Procedure, 1973) (*hereinafter referred to as 'Cr.P.C'*) has been filed on behalf of the Applicant/Petitioner, Nikhil Khatri for grant of Regular Bail in Case FIR No. 472/2024 under Section 125/351(3)/3(5)/95/111/249(c) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.
2. It is submitted in the Bail Application that the FIR was registered on 09.07.2024 and the Charge-Sheet already stands filed in the present Case. The Applicant was arrested on 12.07.2024 and is in custody since then. His Bail Application has been dismissed by the learned ASJ on 17.01.2025.
3. The Bail is sought on ***the grounds*** that there was delay of four days in registration of FIR, which got registered on 09.07.2024. It is asserted that the FIR is based on false and bogus facts and the Applicant has been falsely roped in the present Case, on the basis of the Disclosure Statement of the co-



accused, Gagandeep. The falsity of the present Case is highlighted as the allegations, according to the Police, is of extortion. The Complainant nowhere stated in his Statement on which FIR was registered, that any slip was thrown towards him for extortion of money.

4. Furthermore, at the time of the remand, the learned JMFC did not record the grounds of arrest and the arrest is, therefore, bad in law. The Applicant was remanded to Police custody for two days, but nothing incriminating was recovered.

5. The TIP was conducted of the Applicant but the Complainant refused to join the TIP on the ground that he was unable to identify the actual culprits and has forgotten the face of the accused persons. It is nowhere indicated in the Charge-Sheet that the Applicant was present at the scene of crime on the date of alleged incident. No location chart has been placed on record despite the Investigating Officer having the mobile number. There is no evidence available against the Applicant, who is not even named in the FIR. There is no CCTV footage of the incident. The Applicant is innocent and there is no incriminating evidence against him in the Charge-Sheet.

6. Only the offence under Section 111 BNS is triable by the Court of Sessions. However, the essential ingredients of the Section 111 BNS, are missing as there is nothing to show that the Applicant is a member of organized crime.

7. The Applicant is a well educated person with deep roots in the Society and belongs to the respectable family. The trial is likely to take long as the Applicant is in judicial custody since 12.07.2024 and his custodial interrogation is no longer required. He undertakes to abide by any terms that may be imposed. Hence, the prayer is, made for grant of Regular Bail.



8. The **Status Report** has been filed on behalf of the State wherein it is submitted that Rohit Giri in his complaint that on 05.07.2024 while he was sitting with his friend, Vikas in his MG Hector Car in front of his Gym, two boys at around 9:10, one of whose face was covered with saffron coloured cloth, came near the Car and stood in front of them. The boy had fire arms in his hand and he told him to get out of from the car as he has something to tell him. He got scared and mover his Car forward. In the meanwhile, two of the Complainant's friends, who are nearby, ran towards them and tried to hit the assailants with stone. Seeing the other persons, the assailants ran while firing in the air. The Complainant's friends tried to catch them both but they managed to escape. It is contended that they came with an intention to kill the Complainant and that he can recognize them if they come in front of him.

9. During the investigations, co-accused, Mohit along with CCL 'R' was apprehended on 12.07.2024, on the basis of secret information. A country made pistol with four live cartridges and a Passion Pro Motorcycle used to escape from the spot, was recovered from and at the instance of the Applicant, Nikhil Khatri. A country made pistol with two live cartridges and stolen Bajaj Platina Motorcycle, which was used for commission of offence, was recovered from Mohit. Apart from this, a slip containing a demand of extortion money of Rs.50,00,000/-, was also recovered from his possession.

10. Another associate, Manish @ Sunny Kakran was arrested on 26.08.2024. Investigations revealed that he hires/involves minor children for the commission of crime of firing and extortion.

11. It is submitted that the Applicant and the Co-accused Mohit came outside the Complainant's on a stolen bike for the purpose of firing and



throwing a slip containing demand of Rs.50,00,000 as extortion. However, the Complainant and his friends identified them as suspicious person and they managed to escape the spot by open firing. Though, the Complainant did not participate in the TIP proceedings but there are regular mobile conversations between the accused persons and the Applicant. They have also been captured in CCTV Camera. The Platina Bike, which they had left on the spot, was recovered at the instance of the Applicant, Nikhil Khatri, after 6-10 days. It was found lying near the spot. The Charge-Sheet has been filed against all the Accused.

12. The Bail is opposed on the ground that the trial is pending and Charges are yet to be framed. There are 11 Prosecution witnesses and none of the public witness has been examined.

13. The Applicant is native of Village Hiranki, which falls in the vicinity of the residential address of the Complainant. He is habitual offender having criminal antecedents and is involved in heinous cases including other two FIRs and belongs to gang of Manish @ Sunny Kakran. He is running a syndicate of organized crime. There is serious threat to the Society and there is likelihood that he may threaten the Complainant and other witnesses.

14. The Bail Application is accordingly opposed.

Submissions heard and the record perused.

15. It is the case of the Prosecution that there were two Motorcycles, which were involved but there were two assailants. There is no explanation of how these assailants were connected to the two Motorcycles. Furthermore, as per the Prosecution, the two assailants, who had come on the Motorcycles had parked them and got off to threaten the Complainant. Noticing their extending threats, the friends of the Complainant, had come



on seeing whom, the assailants had run away.

16. It is the case of the prosecution itself that Nikhil Khatri had muffled his face and the Complainant declined to participate in the TIP on the ground that he was unable to identify the assailants. Furthermore, though a case of extortion of Rs.50,00,000/- has been made out but, according to the allegations, the assailants had threatened the Complainant and had run away. It is subsequently that from the bag of one of the assailants, a chit of Rs.50,00,000/- was recovered and on this basis, it has been contended by the Prosecution that the motive was to extort money from the Complainant.

17. Considering the totality of circumstances and the facts of the Case and further considering that the Applicant is in judicial custody since 12.07.2024 and even the Charges have not been framed thereby implying that the trial is likely to take long, the Applicant/Petitioner is admitted to 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.

f) The Petitioner/Accused shall not contact the witnesses or extend any threats to them.

18. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.

19. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 27, 2025/RS