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

% ***Date of decision: 13th August, 2025***

+ **BAIL APPLN. 2325/2025, CRL.M.A. 18563-18564/2025**

RAHUL @ KALA

S/o Rajesh Kumar

R/o VPO Chamanpura, Tehsil Beri,

District Jhajjar, Haryana.

.....Petitioner

Through: Ms. Naina Walia and Mr. Vikram Jeet Singh, Advocates.

versus

THE STATE

Govt. of NCT of Delhi

Through SHO concerned

Police Station Special Cell.

.....Respondent

Through: Mr. Utkarsh, APP with SI Satyawan, Special Cell, Rohini.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioner Rahul @ Kala **for regular Bail** in case FIR No.435/2024 under **Section 221/109(1)/3(5) Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "B.N.S.") and Section**



25/27 Arms Act registered at Police Station Special Cell, New Delhi.

2. The Applicant has submitted that he had applied for Regular Bail before the Court of Ld. ASJ, which has been dismissed *vide* Order dated 09.06.2025.

3. The Applicant was arrested by the Police officials of Police Station Special Cell on 17.09.2024 and is in judicial custody since then. The case is at the stage of framing of Charge before Ld. ASJ and the next date of hearing is 29.07.2025.

4. The **brief facts** of the Prosecution case are that on 14.09.2024, two boys indiscriminately open fired at the shops of two people in the area of Ranhola, to forcibly extort money from these shopkeepers.

5. SI along with his staff was continuously searching for these boys. Informers were instructed to collect information about these criminals. In sequence thereto, on 16.09.2024 when SI along with his staff was present at his office of Special Cell, NR & STF Rohini, at about 11:30 P.M a *Guptchar* came to the office and gave secret information to HC Manoj Kumar that the boys who few days ago had escaped after firing at the Jam Aggarwal Sweets, Chanchal Park in the area of Ranhola Police Station, are now in the process of changing their location to commit other crimes. At about 03:30 A.M., they would be going towards Bawana on their motorcycle through the back road of Sannauth village and would be carrying illegal weapons. If a raid is conducted, they can be apprehended with these illegal weapons.

6. HC Manoj Kumar took the secret informer to SI and explained the circumstances of the secret information which was eventually conveyed to Inspector Mandeep and Inspector Jaibir who informed ACP Rahul Kumar



Singh, who ordered for appropriate action to be taken.

7. Accordingly, a Raiding Team under the supervision of Inspector of Jaibir was constituted and they all went to the designated place i.e. Sannauth village. At about 03:30 A.M., on seeing a motorcycle coming from Sector 5, Bawana at the signal of the informant, the staff blocked the road from the front and SI tried to stop the motorcycles. Both the persons on the motorcycle tried to reverse the motorcycle, but it fell. The SI introduced the two persons as Policemen and warned them not to run away, but the persons riding the motorcycle shouted and asked to open fire. The person occupying the pillion seat of the motorcycle, who was later identified as co-accused Mandeep Singh @ Manu, ignored the warning and moved towards them and fired a bullet which hit the front side of the jacket worn by HC Manoj Kumar.

8. Thereafter, while running accused Mandeep Singh @ Manu fired two more bullets towards them from which SI and HC Manoj narrowly escaped. In defence, HC Manoj Kumar fired two shots towards his lower part of the body and one bullet hit in the calf of the right leg and he fell. His pistol slipped from his hand and the person was apprehended.

9. The Applicant/accused, whose name was found to be Rahul and was driving the motorcycle, fired two bullets towards HC Naveen and other staff from which they all narrowly escaped. HC Naveen in order to protect the staff and in self defence, also fired two rounds which did not hit the Applicant. He was over powered. The pistol with no live cartridges was found, but upon his search two live cartridges were recovered from the left pocket of the jeans.



10. Injured Mandeep Singh was taken to SRHC Hospital, Narela in the private car of HC Naveen under the supervision of ASI Ved Prakash and ASI Inderjeet, for treatment. Crime Team and FSL were called at the spot and did the detailed inspection.

11. *The Applicant has sought the Bail on the **ground*** that he is in judicial custody since 17.09.2024. The MLC of the Applicant as well as of the other accused has not been annexed along with the Chargesheet. This has significance as there are glaring defects and inconsistencies in the Chargesheet and raises a question about the investigations conducted by the Police.

12. It is further submitted that the manner in which the incident is narrated to have taken place is self contradictory in the sense that according to the Complainant the two accused had tried to take back the motorcycle, which fell. If such was the case, then both the accused would have fallen giving ample time to be arrested by the Police. There is a doubt in the manner in which the incident is narrated to have taken place.

13. In the CCTV footage of the Petrol Pump, Najafgarh, face of Mandeep @ Manu alone can be seen and the shopkeepers have also identified only him. The face of the Applicant is not seen anywhere nor the shopkeepers have identified him as being present on the scene of incident.

14. The Police officials while preparing the Raiding Team, did not involve the public persons/shopkeepers as they are the definite eye witnesses who actually saw the accused persons on 14.09.2024. The sole basis of the entire raid is the information received from the secret informer. No efforts were made by the Police officials to carry the shopkeepers with them in the



raid for the correct identification of the accused persons. Only a bald assertion is made that the passersby were not ready to join the Raiding Team.

15. In the FIR No.680/2024, the Sessions Court has already granted Bail to the Applicant *vide* Order dated 29.04.2025. There is no cogent evidence to establish the involvement of the Applicant in the incident of 14.09.2024.

16. Significantly, HC Naveen fired two rounds on the Applicant, but recovery of said bullets has not been shown by the Police officials. Moreover, there is no mention if the bullet that had hit Mandeep Singh, was recovered. The details of the injury sustained by Mandeep Singh has also not been given. There can be three scenarios about the bullet hitting the co-accused Mandeep. *Firstly*, the aforesaid bullet grazed through the calf muscle; *secondly*, the bullet stuck in the calf and *thirdly* the bullet passed through the calf bone. The extent of injury would be different in all the three scenarios and is material to corroborate or contradict the version of the Police and the sequence of the events.

17. Though the Police details about the make of the pistol recovered, but it has failed to explain how these sophisticated pistols came into the hands of the accused or were sneaked into India. The case file is referring to Beretta 32 Automatic or 7.65X17 mm SR with a center fire pistol cartridge. It is semi-rimmed, straight walled cartridge developed by firearms designed by John Browning initially for use in the FNM 1900 semi-automatic pistol. It was introduced in 1899 by Fabrique Nationale and is known as the 7.65 mm Browning Short.

18. No injuries were received by HC Manoj as he was wearing a



bulletproof jacket. The energy from the bullet has to go inside the body, even if the bullet strikes the bullet proof jacket. There is a probability of a bruise being caused by the impact even through the bullet proof vest. As per the literature on bulletproof jackets, at least some injury must have been received by the Police officials, but no MLC has been prepared. It clearly reflects that the entire story is a concocted one and no such incident took place.

19. It is further submitted that the Chargesheet has been filed before the Ld. ASJ and that the conclusion of the trial would take long. Keeping the Applicant behind the bars would not serve any purpose except curtailment of his liberty. The Applicant has been victimized and all the allegations made are false and baseless. The material recovered, has been sent to FSL for analysis. The FSL Report is crucial for the progress of the case, but the result is still awaited. The Applicant undertakes to surrender if the FSL establishes any connection between him and the other incriminating material recovered by the Police.

20. It is contended that no motive on the accused persons in firing at the shopkeepers, has been established. In the absence of the motive, the circumstances weighs in favour of the Applicant.

21. It is further submitted that the Applicant is working as Skivvy Worker on Daily Wages and is a guileless person. He is a young boy belonging to an underprivileged family and is the backbone and solitary dough earner of the family. There is not an iota of evidence to connect the Applicant with the alleged offence. He has no previous criminal antecedents. Confining him in jail would become punitive in nature.



22. It is further submitted that even if the case of the Prosecution is taken as gospel truth, then also no alleged offence is made out against him. The case of the Prosecution is the matter of trial. Nothing has been recovered from the possession or at the instance of the Applicant and the retrieval is planted on him and he is innocent.

23. He has placed reliance on the judgment of Mahidul Sheikh vs. State of Haryana CRM-33030-2021 in CRA-S-363-2020 decided on 14.01.2020; Shakuntala Sawhney vs. Kaushalya Sawhney (1979) 3 SCR 639; Moti Ram vs. State of M.P. (1978) 4 SCC 47; and Vijay Kumar vs. State of Rajasthan (2014) 3 SCC 412. A prayer is, therefore, made that the Applicant be granted Bail.

24. The **Status Report** has been filed on behalf of the State, wherein while detailing the incident, it has been stated that during the course of investigations and after obtaining the requisite permission from the Court, both the accused persons i.e. Yogesh @ Tunda and Mohit @ Manoj @ Lambu were interrogated and formally arrested. Two day's P.C. remand was taken and sincere efforts were made to trace out the associate gang members and the source of the recovered weapons, however, no recoveries could be effected. These two persons i.e. *Yogesh and Mohit* were thus, released in the present case.

25. The motorcycle on which the accused were travelling, was found to be stolen for which e-FIR No.025797/2024 under Section 303(2) BNS P.S. Anand Vihar was registered.

26. The Chargesheet against the Applicant has been filed before the Ld. CJM on 14.11.2024. The case is pending trial before the Court of Sessions.



27. It is submitted that the Applicant has been found involved in the firing at Jam Aggarwal Sweet Shop, Chanchal Park for which FIR 680/2024 dated 15.09.2024 under Section 308(4)/125/3(5) BNS and 25/27 Arms Act P.S. Ranhola, has been registered. It is further stated that he is a desperate and notorious criminal, actively involved in Gogi/Yogesh @ Tunda Gang. There is an ongoing gang rivalry and there is strong apprehension that the Applicant may attempt to take revenge against the members of rival Gang, thereby posing a serious threat to public safety and the law and Order situation in Delhi and NCR region. There is reasonable apprehension that if the Applicant is released on Bail, he may abscond, evade the process of law or indulge in similar criminal activities.

28. *Therefore, the Bail is strongly opposed.*

29. ***Learned counsel on behalf of the Applicant has argued*** that as per the case of the prosecution, the Applicant had allegedly fired two bullets towards HC Naveen and other staff, from which they all narrowly escaped. HC Naveen in order to protect the staff and in self defence, also fired two rounds which did not hit the accused person. No bullets/shells have been collected from the spot. It is a case of cross-fire wherein the co-accused was hit by the bullet of the Police.

30. The Chargesheet has already been filed in the Court, though Charges are yet to be framed. The trial is likely to take long. Moreover, considering that the entire incident is doubtful and no injury was caused in the alleged incident, the Applicant be admitted to Bail.

31. ***The Learned Prosecutor has submitted*** that it was an incident in which cross-firing happened. HC Manoj was hit with a bullet shot by co-



accused Mandeep @ Monu. There were four empty shells collected from the scene of crime. The Applicant was arrested with a pistol and two live cartridges. Similarly, a pistol and two live cartridges were recovered from the co-accused Mandeep @ Monu. It is further submitted that the motorcycle on which they were travelling, was a stolen motorcycle for which an E-FIR was registered. The Applicant along with the co-accused were caught on the spot. They are the active members of the Gogi gang and there is every apprehension of they being engaged in gang war, if released on Bail. Hence, the Bail is strongly opposed.

Submissions heard and record perused.

32. There are serious allegations against the Applicant being a member of Gogi gang. Also, as per the case of the Prosecution, the Applicant along with the co-accused had shot at the Police team who had tried to apprehend them. In this cross-firing, HC Manoj was shot but got saved because of the bullet proof jacket and HC Naveen narrowly escaped. The genuineness of the incident is sought to be established by the fact that in retaliation, when the firing was done by the Police Team, one bullet hit in the calf of the co-accused. One pistol and live cartridges were recovered from the Applicant who was caught on the spot.

33. Though, the Applicant is in judicial custody since 17.09.2024, but the Chargesheet has also been filed and the case is at the stage of framing of Charge. Considering the gravity of the offence and that the Chargesheet has been filed within time, it cannot be said that there is any inordinate delay in the trial. There is no merit in the present Petition, which is hereby dismissed.



34. The Application for bail, is accordingly disposed of along with the pending Applications.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 13, 2025

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