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

+ **BAIL APPLN. 2365/2025**

SHAHNAWAJ AHMAD @ SHANU PRADHANPetitioner

Through: Mr. Mukesh Kalia and Ms. Kanika
Vohra, Advs.

versus

THE STATE N.C.T. OF DELHIRespondent

Through: Mr. Ajay Vikram Singh, APP.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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25.09.2025

1. Second Bail Application under Section 483 of BNSS has been filed on behalf of the Applicant for grant of Regular Bail in FIR No.0399/2021 under Sections 307/34/109/114 IPC and Sections 25/27 of Arms Act, registered at Police Station: Welcome, Delhi.
2. It is submitted in the Applicant was arrested on 03.06.2022 and Chargesheet has also been filed. Allegations made in the FIR are false, frivolous, baseless, and concocted. In his statement under Section 161 Cr.P.C., injured Aftab has not mentioned the Applicant's name and has stated that he does not know who fired the shot at him. Therefore, victim/injured did not identify the Applicant as the attacker. His statement did not provide any motive and the Charge under Section 307 IPC cannot be sustained. FIR was registered on the statement of Dilshad, who did not receive any injuries during the incident.
3. As per the version of the Complainant Dilshad, co-accused Shabana was present at the spot but the CCTV footage seized during the investigation



clearly shows that she was not present at the spot. This contradiction creates a doubt about the version narrated by the Complainant. The FSL Report of CCTV footage has not been submitted till date.

4. Injury suffered by the Victim was on a non-vital part of the body, i.e. leg and he has fully recovered and is in good health. There was no recovery made from the Applicant. Charges have not been framed till date. There are 28 prosecution witnesses and trial is likely to take long. Most of the public witnesses, who are cited in the Chargesheet, are family members of the Complainant and are interest witnesses.

5. Co-accused Shabana has already been granted bail vide Order dated 11.04.2022. Moreover, the FIR had been registered after delay of 5.5 hours. In fact, present FIR is a counter blast to FIR No.0356/2021 under Sections 336/506/34 IPC and Section 27 of Arms Act, which was registered by the Applicant's sister (Shabana/Accused No.1) against the brother of the Complainant Salman. FIR is based on misrepresented facts and misuse of process of law only with ulterior motive to put pressure on the Applicant and his family members to settle the matter.

6. The Applicant's Application for Regular Bail was dismissed by the learned Trial Court on 09.05.2024. He, thereafter, filed Bail Application before this Court, which was also dismissed vide Order dated 12.02.2025 with liberty. Co-accused Adil @ Vassi has also been granted Bail by the learned Trial Court vide Order dated 20.05.2025. Another Application for grant of Bail was filed before the learned Sessions Court, which was dismissed vide Order dated 30.05.2025.

7. It is submitted that trial is likely to take long and the Applicant is permanent resident of the given address having deep roots in the society and



there are not chances of him absconding the process of law.

8. Hence, **Bail is sought on the aforesaid grounds.**

9. **Status Report** has been filed on behalf of the State, wherein details of investigations leading to filing of the Chargesheet have been given and it is submitted that injuries suffered by the injured/victim have been opined as grievous in nature. There are two eye-witnesses namely Shamshad and his son Aman, who have supported the case of the prosecution.

10. Ballistics Report is still awaited from FSL Rohini. Co-accused Yunus has died and co-accused Shabana and Adil @ Vassi have been granted Bail.

11. Applicant's Bail Application is opposed on the ground that he is the main accused, who fired at the Complainant's brother Kafeel, though the bullet hit one passerby, i.e. victim Aftab. All accused persons escaped from the spot after the incident.

12. There is apprehension that the Applicant may commit the same offence or threaten the witnesses, if released on Bail. The case is at the initial stage and the public witnesses are yet to be examined. There is possibility that the Applicant may jump the Bail.

13. It is a serious offence showing the involvement of the Applicant along with other co-accused persons. **Bail is therefore, opposed.**

Submission heard and record perused.

14. Admittedly, the Applicant is in Judicial Custody since 03.06.2022. The Chargesheet has already been filed and co-accused Shabana and Adil @ Vassi have already been admitted to bail. There are 28 prosecution witnesses and trial is still to commence and is likely to take long.

15. Considering his incarceration, totality of the facts and circumstances and that the trial is likely to take long, the Applicant/Accused is granted



Regular Bail, on the following terms and conditions:

- a) The Applicant/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 Applicant/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Applicant/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 Applicant/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses; and
- e) In case the Applicant/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

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

17. The Bail Application is accordingly disposed of. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J.

SEPTEMBER 25, 2025/R