



\$~52

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3186/2025 and Crl.M.A. No. 24689/2025**

MOHD HASAN

.....Petitioner

Through: **Mr.M.K.Khanna and Mr.Aryan
Kumar, Advocates**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr.Sanjeev Sabharwal, APP for State
with SI Vinod Nain, PS Kotwali**

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

%

21.08.2025

1. Petitioner seeks regular bail in relation to FIR No. 148/2025 dated 04.02.2025 under Sections 132, 221, 351(2) and 351(3) and 3(5) of BNS and section 27 of the Arms Act, registered at Police Station Kotwali.
2. Briefly speaking, the case per the complainant is that the complainant, working as a Constable in Police Station Kotwali, was on duty on the intervening night of 03-04.02.2025 at Loha Pul Picket along with Ct. Amit, DHG Shyam, DHG Vinod, and DHG Partap, where a picket had been set up on the iron bridge to check vehicles coming from across the Yamuna. The complainant was standing 15-20 steps ahead on the road coming from Kashmiri Gate to identify suspicious vehicles in advance and alert the staff to stop them.
- 2.1 At about 2:45 AM, two persons allegedly came from Kashmiri Gate



on a motorcycle without a number plate. The complainant signalled them to stop and alerted the staff ahead, but the motorcycle did not stop. The complainant along with the staff came ahead near the corner of the iron bridge and stopped the motorcycle along with its rider.

2.2 As soon as the motorcycle stopped, both persons riding it allegedly started pushing and beating the complainant and the accompanying staff. During the scuffle, the rider allegedly took out a pistol from the right pocket of his pants, pointed it at the complainant, and threatened to shoot if they were not let go.

2.3 Despite the threat, the complainant and the staff caught hold of the pillion rider, but taking advantage of the scuffle and darkness, the rider allegedly pushed the complainant and escaped on the motorcycle towards the road coming from Gandhi Nagar. Ct. Amit Deshwal, DHG Shyam, and DHG Partap apprehended the pillion rider on the spot, while the complainant and DHG Vinod attempted to chase the rider but he managed to flee.

2.4 Ct. Amit Deshwal took possession of the pistol recovered from the apprehended person and upon checking, five live cartridges were found in the magazine. The complainant informed Police Station Kotwali, and upon arrival of the investigating officer, handed over the apprehended person, the recovered pistol with cartridges, and the motorcycle Dominar 250 CC.

2.5 Upon interrogation, the name of the apprehended person was revealed as Mohd. Hasan (Applicant herein), aged about 35 years, and the name of the person who escaped was revealed as co-accused Farman, resident of Seemapuri, Delhi, and it was disclosed that he was also carrying a pistol.

2.6 It was further alleged that both the apprehended person and his



companion had shown the pistol to the police party and had pushed and assaulted them.

3. Learned Counsel for the applicant would argue that the applicant seeks bail on the ground that (i) no public witness was joined at the time of alleged recovery despite availability, rendering the prosecution version doubtful and suggestive of false implication; (ii) CCTV footage from the spot does not support the allegation of possession or use of any weapon; (iii) the offences invoked are not made out on facts and Sections 351, 132, 221, 3(5) BNS and Section 27 Arms Act are wrongly applied; (iv) the applicant has been in custody since 04.02.2025, with chargesheet filed and charges framed, and no further custodial interrogation is required; (v) circumstances have changed since the earlier bail rejection; (vi) prior criminal cases mostly ended in acquittal or discharge, and past record cannot justify denial of bail in the present case; (vii) alleged offences, barring those misapplied, are punishable with less than 7 years, hence Section 437(1)(i) Cr.P.C. is not attracted; (viii) the applicant has been falsely implicated to shield real culprits, making his continued incarceration unwarranted.

4. Opposing the submissions advanced on behalf of the applicant, the learned APP for the State forcefully argues that the application is wholly devoid of merit. Given the seriousness of the offence, the nature of injuries caused, and the stage of investigation, the applicant cannot claim any indulgence. There exists a real and substantial apprehension that, if released, the applicant may abscond or tamper with the prosecution evidence. The application, therefore, deserves outright rejection.

4.1. Learned APP opposes bail urging that: (i) the accused is actively involved in the offences under investigation; (ii) there is high risk of



inducement, threat, or promise to witnesses; (iii) he is likely to abscond and custody is required secure his presence before Court; (iv) his past involvement in similar offences makes reoffending likely; and (v) given the gravity of the offence, release would send a wrong message to society.

5. In the aforesaid backdrop, I have heard the rival contentions of the parties and perused the case file. Having seen the contents of the application, particularly, paragraph 6 of the order dated 11.07.2025, passed by the Ld. Sessions Court, Tis Hazari Courts, which reads as under:

“6. After having gone through the submissions of both the parties and perusal of the record I find that it is case of prosecution that present accused was found in the possession of sophisticated fire arm and ammunition and he had shown the same to the police team when he and his co-accused were stopped by the said police team. Co-accused is still absconding. IO has shown previous involvement of present accused in 25 criminal cases and one conviction in case FIR bearing No. 758/2018 u/s 307IPC & 25/27 Arms Act PS New Usman Pur.

X-X-X-X-X

Present accused is also convicted in case FIR bearing No. 758/2018 u/s 307 IPC & 25/27 Arms Act PS New Usman Pur and also involved in several criminal cases. Further, there is no substantial development in the present case after dismissal of bail application of present accused on 14.05.2025 and now the material witnesses are yet to be examined, therefore, at this stage, I am not inclined to grant the bail to the present accused. Accordingly, present bail application is dismissed.” (emphasis supplied)

6. In view of the aforesaid position, it does not appear to be a case for bail as neither the antecedents are clean nor role attributed to the applicant is such that he be accorded any concession at this stage.

7. Moreover, a reply/status report dated 10.07.2025 was also been filed by the prosecution before the sessions court wherein the stand is that while on vehicle checking duty at 2:45 a.m. with other staff, two persons on a numberless bike were signaled to stop but resisted. Both pushed and fought



with the police; the rider brandished a pistol, threatened to shoot, and was overpowered, while the pillion rider escaped. The rider disclosed his identity as Mohd. Hasan (applicant herein) and named the associate as Farman of Seemapuri, who had the pistol.

7.1. Hasan was thus arrested, and on interrogation disclosed that the pistols were arranged from Imran @ Manu of Loni, Ghaziabad. One day PC remand was obtained on 04.02.2025, but Hasan misled investigation before admitting Farman and Imran's involvement. Farman is absconding and Imran yet to be interrogated. The incident is also captured on CCTV.

7.2. Hasan has 25 previous criminal cases, including similar offences. Charge-sheet has been filed.

8. Taking the wholesome view of the matter and given the material on record, no favourable opinion can be formed qua the applicant to accord him concession of bail, at this stage.

9. In the premise, the applicant's bail deserves rejection given the gravity of the offence and the weight of the evidence. Same outweighs any claim for liberty by the petitioner.

10. Accordingly, the present application, along with pending application(s), if any, stand dismissed.

ARUN MONGA, J

AUGUST 21, 2025/SV