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

+ **BAIL APPLN. 3218/2025**

ROHIT RANA @ MOI

.....Petitioner

Through: Mr. Akshay, Mr. Mohit Shokeen, Mr.
Anurag S. Tomar and Ms. Shivangi
Shokeen, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
along with SI Amit Kumar, PS
NDR/Crime Branch.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.12.2025

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1. This application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita¹ (corresponding to Sections 439 and 482 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings emanating from FIR No. 865/2023 dated 4th December, 2023, registered at P.S. Punjabi Bagh, under Sections 336 and 34 of the Indian Penal Code, 1860³ read with Sections 25, 27, 54 and 59 of the Arms Act, 1959⁴.

2. The case of the prosecution, in brief, is as follows:

2.1. The FIR was registered on 4th December, 2023 on the complaint of Yogesh Kumar, a security guard at the residence of Deep Malhotra. He alleged that on 3rd December, 2023, at around 6:30 PM, two unidentified

¹ "BNSS"

² "CrPC"

³ "IPC"

⁴ "Arms Act"



young men fired 4–5 rounds at the main gate and fled towards Ganda Nala, Punjabi Bagh. During investigation, the Crime Branch apprehended Akash @ Kasa on 8th December, 2023, who disclosed his involvement along with Sombir @ Totla and Nitesh @ Sinti.

2.2. As per Akash's disclosure, he was acting under the chain of directions emanating from the Applicant, Rohit @ Moi, who is a member of the "*Gogi Gang*". Akash stated that the Applicant instructed co-accused Nitesh to contact one Vishal Chaudhary of the "*Lawrence Bishnoi Gang*", who then ordered Akash to carry out the firing. Pursuant to these directions, Akash allegedly procured 5 pistols and 15-16 cartridges from Jahari Bypass, Sonipat. Akash further revealed that on 3rd December, 2023, he along with Sombir and Nitesh reached Madipur Metro Station where they received a motorcycle from co-accused Vansh @ Gola. Akash rode the motorcycle to the vicinity of the target premises, while Sombir and Nitesh arrived separately by auto-rickshaw. At the scene, Akash waited on the motorcycle, and Sombir and Nitesh executed the firing. Following these disclosures, both Akash and Nitesh were arrested on 8th December, 2023. Sombir was arrested on 13th December, 2023.

2.3. Thereafter, Vansh was apprehended after Akash provided his mobile number. During interrogation, Vansh disclosed that he had received the motorcycle on 3rd December, 2023, from one Gaurav Rana, who was also arrested later. Gaurav Rana, in his disclosure, stated that he acted on the directions of the Applicant, who told him to comply with Vishal Chaudhary's instructions, under which Vansh was sent to deliver the motorcycle at Madipur Metro Station for use in the offence. During the investigation, offences under Sections 307/120B/482 IPC were added.



2.4. Upon completion of investigation, a chargesheet was filed, whereby the Applicant has been implicated for the offences under Sections 336, 307, 482, 120B and 34 IPC read with Sections 25 and 27 of Arms Act.

3. Counsel for the Applicant submits that the Applicant has been falsely implicated and that the allegations are wholly unsustainable. It is an admitted position that on the date of the alleged incident, the Applicant was already in judicial custody; consequently, even the prosecution does not allege his physical participation in the firing incident. It is urged that the subsequent addition of Section 307 IPC is based solely on a later statement of the complainant and, in any event, the essential ingredients of the offence are not satisfied on the material placed on record. It is further contended that the case set up against the Applicant rests exclusively on the theory of criminal conspiracy, which is not substantiated. The only basis for implicating the Applicant is the disclosure statements of co-accused persons, which are inadmissible in evidence and cannot form the sole foundation for denial of bail. Lastly, it is also emphasized that all other co-accused named in the charge sheet, who stand on the same footing if not graver, have already been enlarged on bail.

4. On the other hand, Mr. Amit Ahlawat, APP for the State, opposes the application and submits as follows:

4.1. The Applicant is the principal conspirator and handler of the incident. According to the disclosures of co-accused Akash and Gaurav Rana, the Applicant, while lodged in jail, coordinated the conspiracy through a Signal application. He supplied the Signal ID “Krishan Shyam Radhey” to Akash and Gaurav for communicating with Vishal Chaudhary, through whom instructions, weapons, and the stolen motorcycle were arranged for



execution of the firing. Investigation indicates that Vishal Chaudhary and Sunder Malik are active members of the Gogi Gang and remain in touch with the Applicant from inside jail.

4.2. The Applicant is a habitual offender involved in multiple other criminal cases, including offences of a similar nature, as reflected in the Status Report. He is part of organised crime syndicates such as the Gogi Gang and the Lawrence Bishnoi Gang, which are involved in serious offences including murder, extortion, and attempts to murder.

4.3. The gravity of the offence, the Applicant's gang affiliations, and his past conduct create a strong likelihood of absconding or re-engaging in similar criminal activity if released. He may interfere with the trial by influencing or intimidating witnesses or tampering with evidence. As the trial is at an initial stage, continued judicial custody is necessary to secure the Applicant's presence and ensure the integrity of the proceedings.

5. The Court has considered the rival submissions. While it is a matter of record that the Applicant has 26 other criminal involvements as reflected in the Status Report, such antecedents, though relevant in assessing the request for bail, cannot by themselves be determinative. The present application must be adjudicated on the basis of the specific facts and material pertaining to this case, as each case would have to turn on its facts.

6. It is undisputed that the Applicant was already in judicial custody on the date of the alleged incident. The prosecution's case is that he orchestrated the offence by issuing directions through the Signal application from inside jail. To a specific query of the Court, Mr. Amit Ahlawat, APP, on instructions, submits that no mobile phone or device has been recovered from the Applicant. The prosecution's case is that the phone allegedly used



was destroyed; however, even the remnants of such a device are not available with the State.

7. In view of the above circumstances, the allegation of a criminal conspiracy attributable to the Applicant, particularly the claim that he coordinated the incident from jail, will ultimately have to be proved at trial. At this stage, the material relied upon does not conclusively establish such a link.

8. Further, it is not disputed that all other co-accused, namely Vansh, Gaurav Rana, Akash, Nitesh, and Sombir, have already been granted bail by this Court. The State has not demonstrated any distinguishing circumstance that would justify differential treatment insofar as the present Applicant is concerned.

9. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 50,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall, upon his release, under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;



e. The Applicant shall, upon his release, provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;

g. The Applicant shall, upon his release, report to the concerned PS on every first, second and fourth Friday of every month.

10. In the event of there being any FIR / DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

12. Accordingly, the application is disposed along with any pending application(s).

SANJEEV NARULA, J

DECEMBER 8, 2025/MK