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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3283/2025**
SURAJ YADAV

.....Petitioner

Through: Mr. R.S. Bind, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Naresh Kumar, P.S.
Dabri.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

ORDER
25.09.2025

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1. Applicant herein is before this Court seeking regular bail in relation to FIR No. 754/2024 dated 17.11.2024 under Sections 109(1)/221/132/224/3(5) BNS and 25/27 Arms Act registered at PS Dabri, Delhi.
2. On 16.11.2024, acting on a tip-off that members of the Saddam Gauri gang were present at Talab Wala Park, JJ Colony, Bindapur with illegal weapons and planning a crime, police conducted a raid. Two youths, identified as Suraj @ Murdere (19) and Faiz Khan @ Pathan (18), were found armed.
3. When challenged, Suraj fired in the air and then aimed at the police official with intent to kill, while Faiz incited him to shoot. In retaliatory



action, Suraj was shot in the leg and disarmed. Faiz tried to escape while brandishing a pistol but was apprehended.

4. Both were in possession of illegal firearms. Suraj was taken to hospital for his injury. Weapons, cartridges, and other material evidence were seized. Both accused were booked under provisions of the BNS and Arms Act for possessing illegal arms, firing at police, and obstructing lawful duty.

5. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

6. Learned counsel for the applicant would argue on lines of grounds taken in the petition inter alia urging that the filing of chargesheet against the accused by the IO of the case is a misuse of law at the instance of the complainant, who himself is the SHO, PS Dabri, New Delhi. Since the complainant is an Inspector, the witnesses have given exaggerated, contradictory and improved statements from time to time, and the accused/applicant was arrested on 17.11.2024 and has been in judicial custody since then.

6.1. The case is at its preliminary stage and the trial may take considerable time to conclude, and if the accused is not released on bail, an innocent person would suffer despite having nothing to do with the alleged offence.

6.2. The applicant/accused is a respectable and poor person of society, enjoys a good reputation, has no criminal case pending against him, and is not required in any investigation nor is his custodial interrogation necessary. He is a young boy aged about 19 years, resident of Delhi, living with his parents, and there is no chance of his absconding or fleeing from justice.

6.3. The investigation is already complete and a chargesheet has been filed



in the Court of law.

6.4. The co-accused, namely Faiz Khan @ Pathan, has already been granted bail on 18.03.2025.

7. Opposing the submissions of the applicant, the learned APP for the State contends that the applicant is not entitled to any relief at this stage, as there remains a genuine risk of him absconding or tampering with evidence.

8. Having considered the matter, I am not persuaded by the argument that the applicant is entitled to bail on the ground of parity with the co-accused. The role attributed to the applicant is more serious than that of the co-accused. According to the FIR and the prosecution's case, it was the applicant who fired gunshot from an unlicensed pistol at the raiding party led by the SHO.

9. The applicant is fortunate that he missed the shot, otherwise, the case could have fallen under Section 302 IPC instead of Section 307 IPC.

10. Further, the record shows that the pistol used by the applicant was an illicit weapon, as it was unlicensed. Possibility of indulging in similar activities in future cannot thus be ruled out. Taking a holistic view of the matter, no concession can be granted to the applicant at this stage.

11. The application is therefore dismissed, with liberty to file a fresh application at a later stage, if deemed appropriate.

ARUN MONGA, J

SEPTEMBER 25, 2025

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