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

+ **BAIL APPLN. 3518/2025**

ABHISHEK ALIAS BD

.....Petitioner

Through: Mr. Jaiveer Singh, Advocate

versus

THE STATE (GOVT NCT OF DELHI)

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with Mr. Chandrakant,
Advocate.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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23.09.2025

CRL.M.A. 27557/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant is seeking grant of anticipatory bail in a case arising out of FIR bearing no. 82/2025, registered at Police Station Timarpur, Delhi, for the commission of offences punishable under Sections 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Sections 25/27 of Arms Act, 1881.
4. Briefly stated, the facts of the present case are that on 18.02.2025, an information was received *vide* DD No. 73A that a person had been injured and was being treated for firearm injury at the Trauma Centre. During



investigation, the statement of the injured person later identified as Ujjwal was recorded, wherein he stated that he is a student and is preparing for competitive exams. It is stated that on 18.02.2025, he, along with his friends Shivam and Badal, were present at Mukherjee Nagar, Delhi, when Shivam told him that someone from a white Swift black mirror without number plate was calling him. Upon reaching towards the car, he saw co-accused Piyush Dedha seated on the driver's seat of the car; Tanishq, in the front passenger seat; and three unknown persons with masks sitting at the back seat. Thereafter, allegedly accused Tanishq fired from a pistol towards injured Ujjwal and the bullet hit the right side chest area of the victim. He was taken to the hospital by his friends Shivam and Badal. On the basis of this statement, the present FIR was registered. During the course of investigation, it was found that the firearm injury suffered by victim had rendered the wound on the right side of the chest. Since, the bullet was lost in the body with there being no exit wound, the injury opined to be grievous in nature. Investigation also revealed that the weapon used in the offence i.e. a pistol had been provided by the present accused/applicant. The accused did not join investigation and has been declared proclaimed offender by the learned Trial Court on 16.09.2025. Chargesheet stands filed against the co-accused persons.

5. The learned counsel appearing on behalf of the applicant submits that there is no incriminating material on record to connect the accused with the alleged offence. It is also argued that as per the case of the prosecution, three masked persons had been sitting on the back seat; however, the accused specifically has not been named in the FIR. Further, it is argued that co-accused persons have been granted bail in the present case. Lastly, it is



argued that since the accused is a young boy, therefore, he be granted anticipatory bail.

6. The learned APP for the State, on the other hand, argues that the victim in this case had been shot at from a very close range after being called him near the vehicle, which belongs to one of the co-accused's brother. It is specifically argued that the eye-witnesses in their statement under Section 180 of BNSS have given an account as to how the offences in question had taken place. Additionally, it is argued that the evidence is yet to be recorded in this case and the present accused is absconding; thus, his bail application be rejected.

7. This Court has **heard** arguments addressed on behalf of both the sides and has perused the material available on record.

8. After hearing arguments and going through the case file, this Court is of the opinion that though the learned counsel for the applicant has stated that there is no incriminating material on record against the applicant, the statements recorded under Section 180 of BNSS of the eye-witnesses X and Y who were present along with the victim at the spot categorically name the present accused/applicant, specifically stating that the applicant was sitting on the back seat as after the victim had been shot at, he had removed his mask, whereby the said eye-witnesses were able to see him sitting behind the driver seat while Junaid was sitting between him and Harsh Yadav sitting on the corner of the back seat. They had also noted the registration number of the car before taking the victim to the hospital. Notably, the other eye-witnesses have also supported the prosecution case by giving an account of how the offence in question had taken place. Further, a perusal of the medical treatment record also shows that the victim had suffered gunshot



injury and the bullet is still lost inside his body when he was medically examined.

9. Additionally, this Court notes that the applicant-accused has failed to join investigation, has been declared proclaimed offender, and the weapon of offence is to be recovered at his instance. Moreover, as per prosecution, six criminal cases have been lodged against the applicant-accused.

10. Therefore, considering the overall facts and circumstances, no ground for grant of anticipatory bail is made out.

11. Accordingly, the present application stands dismissed.

12. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 23, 2025/zp