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

+ **BAIL APPLN. 3860/2024**

RAM DEV ALIAS AMAN

.....Petitioner

Through: Ms. Dolly Sharma, Advocate

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Utkrash, APP for the State with
SI Ali Akram, PS Patel Nagar

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

11.02.2025

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1. The present petition has been filed seeking regular bail in connection with FIR No. 329/2020 under Sections 307/506/201/120B/34 IPC and Sections 25/27 Arms Act, registered at Police Station Patel Nagar, Delhi.
2. The case of the prosecution is that on 10.07.2020, complainant/Lakshay Nagpal was shot in the right leg by two assailants on a motorcycle near HDFC Bank, East Patel Nagar, New Delhi. He suspected his brother-in-law Vishal Sharma was behind the attack. Accordingly, a FIR was registered against Vishal Sharma. Investigation, however, revealed that co-accused Akshay Chauhan, Ram Dev (petitioner herein) and Guddu Kumar were also involved along with accused Vishal Sharma.
3. Ms. Dolly Sharma, the learned counsel appearing for the petitioner submits that as per the prosecution version the main accused behind the attack on the complainant, is Vishal Sharma and he has already been granted bail.
4. She further submits that even other co-accused, namely, Akshay Chauhan and Guddu Kumar have also been enlarged on bail.



5. She submits that even the CCTV footage on which the prosecution is placing reliance does not show the presence of the present petitioner at the time of incident.

6. She contends that the petitioner is incarcerated since 14.07.2020 and his custody is no more required for any further investigation, since the chargesheet has been filed. She submits that apart from the present case the petitioner's is involved in one more case under Section 25/27 of the Arms Act and he has already been granted bail in the said case.

7. *Per contra*, learned APP appearing for the State has argued on the lines of the status report. He submits that as per the prosecution version, it is the petitioner who had fired on the right leg of the complainant. He, therefore, urges the Court that the present petition may be dismissed.

8. I have heard the learned counsel for the petitioner as well as the learned APP appearing for the State.

9. As per the prosecution version, it is the co-accused Vishal Sharma at whose instance the accused had opened fire which caused injury on the right leg of the complainant. Thus, according to the prosecution case itself the role of the present petitioner is subservient to that of the co-accused Vishal Sharma as motive has been attributed to him only. Vishal Sharma has admittedly, been enlarged on bail.

10. It is also not in dispute that other co-accused Akshay Chauhan and Guddu Kumar have also been granted bail. Further, the petitioner is stated to be in judicial custody since 14.07.2020 and the chargesheet has been filed, therefore, his custody is no more required for investigation.

11. In so far as other case against the present petitioner is concerned, he is stated to be on bail in the said case. Even otherwise, involvement in another case cannot be sole ground for dismissing the bail application. The presence



of petitioner during trial can also be ensured by imposing appropriate conditions.

12. Having regard to the aforesaid circumstances, this Court is of the view that the petitioner is entitled to be enlarged on bail. Accordingly, the petitioner is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court/CJM/Duty JM, further subject to the following conditions:

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

13. It is clarified nothing mentioned above shall be construed as expression of opinion on the merits of the case.

14. The application is disposed of.

15. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

16. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

FEBRUARY 11, 2025

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