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

+ **BAIL APPLN. 3831/2025**

SIDDHARTH

.....Petitioner

Through: Mr.Kaushal Jeet Kait, Mr.Gaurav
Dua, Mr.Daksh Gupta and Mr.Nikhil
Malik, Advocates

versus

THE STATE (GOVT. OF NCT, DELHI)

.....Respondent

Through: Ms.Richa Dhawan, APP for the State
alongwith SI Anil Kumar, P.S.-
Special Staff/East

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

09.10.2025

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CRL.M.A. 29900/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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1. Having remained under incarceration since 08.11.2024 (over 11 months) in a criminal case arising out of FIR No.0356/2024 dated 10.10.2024, *inter alia*, for the alleged offences punishable under Sections 61(1), 3(5) and of BNS and Section 25 of the Arms Act, 1959, registered at Police Station Shakarpur, the applicant seeks regular bail during the pendency of trial.

2. After investigation, chargesheet has been filed and Arms act has been dropped against the applicant/accused. He is an under-trial for offences

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punishable under Sections 61(1), 3(5) and 95, 318(4), 55 of BNS, 2023.

3. Briefly speaking, per FIR, on 10.10.2024, Inspector Khalid Hussain, SHO/PS Shakarpur, while on patrolling duty with his staff, received secret information that some boys were staying at Metro Hotel, Shakarpur, Delhi, with illegal weapons and were planning to kill someone. The ACP/Preet Vihar was informed and ordered an immediate raid.

3.1 A raiding team was formed, including the hotel manager Naveen Tiwari, and a search of Room No. 2001 led to the detention of three boys, namely co-accused Dev @ Aadi (17 years), co-accused Shubham Kanholiya @ Sam (16 years), and co-accused Yash Kumar (21 years).

3.2 From under a pillow in the room, three pistols, sixteen live rounds, and one empty magazine were recovered. On query, the boys attributed the recovery to themselves and to co-accused Abhishek Vashishth @ Dhruv @ Ghoda (21 years), who was subsequently called from Room No. 1002 and admitted ownership of one pistol.

3.3 Upon interrogation, the accused disclosed that they, along with two more associates, co-accused Vivek Goswami @ CB (17 years) and co-accused Arvind Kumar (19 years), detained from Room No. 4004, had been engaged by co-accused Shivam @ Shibu, on the instructions of Anil @ Babbal, to kill one Sundar Bhati of Ganesh Nagar, in return for cash, car, and house, with each member promised to ₹5,00,000 as reward for completion of the task.

3.4 Co-accused Abhishek Vashishth further revealed that on 08.10.2024, after taking rooms in the hotel, co-accused Shivam @ Shibu had introduced them at Smoke Zone, Shakarpur, to Siddharth (Applicant herein). The applicant stated that he had been sent by Anil @ Babbal and reiterated the



rewards for completing the task. He also assured them of protection in case they were apprehended.

3.5 The applicant was not present or apprehended at the spot and was named in the FIR solely on the basis of the disclosure statement of co-accused.

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

5. Learned counsel for the applicant would argue on lines of grounds taken in the petition *inter alia* urging that the applicant has been in custody since 08.11.2024, even though the charge sheet has already been filed and no recovery remains pending, rendering further detention purposeless. He was not named in the FIR, and his alleged involvement surfaced only through inadmissible disclosure statements of a co-accused. No incriminating recovery has been made from him, and the weapons recovered belong to co-accused who have already claimed ownership, one of whom, Sandeep Malik, has been granted bail. The allegation that he transferred ₹5,000 to another co-accused for procuring arms is speculative and implausible, given the meagre amount involved.

5.1 The prosecution has failed to establish any nexus, communication, or meeting of minds between the applicant and the co-accused; he has not been identified in any CCTV footage, call records, or other electronic evidence. Even the prosecution's own case attributes the main conspiracy to other accused, including Shivam @ Shibu, who has already been granted bail.

5.2 No specific role has been attributed to the applicant. He neither hired anyone nor supplied any arms or ammunition. The only alleged statement linking him is uncorroborated and unsubstantiated. Moreover, the applicant



has raised a credible plea of alibi showing his presence elsewhere at the relevant time. The entire case against him rests on conjecture and hearsay, unsupported by direct or circumstantial evidence.

5.3 Several co-accused have already been granted bail, entitling him to the same relief on grounds of parity.

6. Learned APP for the State strongly opposes the present bail application, stating that the accused poses a significant risk to the trial proceedings, as there is an apprehension that if released on bail, he may influence the witnesses and/or otherwise induce them or intimidate them or tamper with evidence. It is further submitted that the earlier bail application of the applicant was dismissed by the learned ASJ, Karkardooma Courts *vide* order dated 14.05.2025. Thus, it is therefore urged that the continued custody of the applicant is necessary to ensure a fair trial and to prevent any misuse of liberty.

7. Having heard the submissions of both sides and perused the case file. There may be some substance in the arguments of the learned counsel for the applicant addressed on merits *qua* the non-culpability of the applicant, but the same can be adjudicated only in the course of trial. However, at this stage, I am of the considered view that the applicant deserves to be released on bail during the pendency of the trial, for the reasons stated hereinafter.

8. At the very outset, on a query *qua* the invocation of the Arms Act in the FIR, learned counsel for the applicant submits that there is/was no allegation attributed to the applicant for either carrying any weapon or any recovery from him. Stand taken by learned APP also is that the allegation against the applicant is that he is a co-conspirator with the other accused, who are also implicated in the same FIR, and thus, his preventive custody is



required during the trial.

9. It transpires that co-accused Arvind, who was allegedly nabbed red-handed and also named in the FIR, has been granted bail by the learned Trial Court *vide* an order dated 03.01.2025. His bail has neither been challenged nor otherwise disputed by the prosecution.

10. On a Court query put to the learned APP for State, she would, under instructions of the Investigating Officer, submit that the co-accused Arvind was indeed caught red-handed when the raid was conducted. Whereas, the applicant herein was subsequently arrested on the basis of the disclosure statement of the co-accused.

11. Furthermore, upon a specific query posed to learned APP for the State *qua* the role attributed to the applicant vis-à-vis the co-accused namely Shivam@ Shibu who has been granted bail by this Court *vide* order dated 08.09.2025 as well as co-accused namely Arvind and co-accused Sandeep Malik who have been granted bail by the learned Trial Court *vide* orders dated 03.01.2025 and 07.12.2024 respectively, she would confirm that the co-accused have been granted bail and also, states the applicant is merely a co-conspirator of the said co-accused who are enlarged on bail.

12. In the premise, I am of the view that the role attributed at the worst is of equal footing, if not less, *qua* the nature of the conspiracy in which the applicant is alleged to have indulged.

13. Be that as it may, these observations are being made solely for the purpose of this bail application, and it is for the Trial Court to adjudicate on them at the appropriate stage. Suffice to note, that in view thereof, I am of the opinion that the case for bail is made out.

14. The applicant has been in custody since 08.11.2024 for more than 11



months. The investigation is over *qua* him, the chargesheet has been filed and the trial is moving at a snail's pace. The slow progress of proceedings is a contributory factor for bail. Further continued incarceration would cause undue hardship to the applicant's family and serve no useful purpose, especially when the trial is not likely to conclude in the near future, as it violates the fundamental rule, i.e. *bail is the rule and jail an exception*.

15. As regards the apprehension of tampering with evidence, it is pertinent to note that the material evidence has already been seized and is securely in the custody of the prosecution, rendering such apprehension illusory. Moreover, there is nothing on record to suggest that he would abscond, interfere with evidence, or influence with witnesses.

16. Furthermore, the applicant/accused is stated to be about 26 years of age, in the prime of his youth, with his career ahead of him. He has deep roots in society, no criminal antecedents and has old parents who are dependent on him for their well-being.

17. Considering that the primary purpose of bail is to secure the presence of the accused during trial, coupled with the fact that the applicant has clean antecedents and poses no risk of absconding, his continued detention at this stage would serve no purpose other than to punish him prior to conviction.

18. As an upshot and taking wholesome view of the matter, the applicant is directed to be released on bail on furnishing of bail bond and surety to the satisfaction of the learned Trial Judge/Duty Judge as the case may be and subject to the usual conditions to be imposed by the learned trial Judge/Duty Judge.

19. Nothing observed herein above shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the



same is only for the purpose of the disposing of the present bail application.

20. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

OCTOBER 9, 2025/dy