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

+ **BAIL APPLN. 3998/2025**

PRAVESH RATHEE @ PULKIT

.....Petitioner

Through: Mr. D.V Goyal, Advocate.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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03.12.2025

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from FIR No. 688/2024 dated 26th November, 2024, registered under Sections 109(l), 221, 132 and 3(5) of the Bharatiya Nyaya Sanhita, 2023³ and Sections 25 and 27 of the Arms Act, 1959 at P.S. Mundka, Delhi.

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

2.1. This FIR was registered on the statement of Inspector Rohit (Anti-Extortion Cell, Outer District), who stated that extortion incidents had increased in the area and thus, special instructions were issued to apprehend active criminals. Acting on this, he and Inspector Ritesh were specifically tasked with tracing two wanted individuals involved in a prior firing incident at Raj Mandir Store, Paschim Vihar, linked to FIR No. 967/2024 under

¹ "BNSS"

² "CrPC"

³ "BNS"



Sections 324(6) and 3(5) BNS and 27 Arms Act. Special informers were deployed, and on the intervening night of 25th-26th November, 2024, an informer reported that two criminals, Pravesh Rathi @ Pulkit (the present Applicant) and his associate Prince, both allegedly associated with the Kapil Sangwan @ Nandu and Jyoti Baba gang, were armed, had previously fired upon the Raj Mandir Store for extortion, and were expected to arrive near Gate No. 4 of PVC Market, Tikri Kalan, to meet an associate.

2.2. Upon receiving this intelligence, a raiding team was prepared. The team proceeded in two private vehicles and a motorcycle to the PVC Market area at around 01:45 AM. The team reached Gate No. 4 at about 01:55 AM, inspected the area, which was deserted, and strategically concealed their vehicles and personnel around the location. The special informer pointed out the exact gate where the suspects were expected to arrive, and all members took their positions under the cover of trees and bushes.

2.3. At around 02:35 AM, two persons arrived on a motorcycle from Geetanjali Enclave side and stopped near Gate No. 4. The informer identified them as the Applicant and one Pawan @ Prince, the individuals involved in the prior firing incident at Raj Mandir Store. As the raiding party closed in, both allegedly attempted to flee. Police vehicles were moved to block the road from both sides, causing the motorcycle to fall. When asked to surrender, the Applicant allegedly stood up, drew a pistol, and fired one round aimed at the police party, the bullet narrowly missing Inspector Rohit. The police claim that after further firing by both accused, Inspector Rohit fired in self-defence, hitting the Applicant in the left leg, after which he was overpowered, disarmed, and his weapon seized.

2.4. The apprehended individual was identified as the Applicant, aged 19



years. He sustained a gunshot injury to his left leg. His co-accused, later found to be a juvenile, was also apprehended. Both were taken by PCR to SGM Hospital for medical treatment. The Crime Team and FSL collected empty cartridges, live cartridges, two pistols, and related material from the spot, which were seized and deposited. The Applicant was taken into custody on 26th November, 2024.

3. Mr. D.V. Goyal, counsel for the Applicant, submits that the Applicant, a 19-year-old with clean antecedents, has been falsely implicated in the present matter as well as in FIR No. 967/2024 at P.S. Paschim Vihar (West) and FIR No. 407/2024 at P.S. Chhawala. It is argued that all three cases are premised purely on alleged disclosure statements, without any independent incriminating material connecting him to the offences. It is pointed out that the Applicant has already been granted bail in FIR No. 407/2024 on 15th April, 2025, and remains in custody in FIR No. 967/2024, for which his bail application is pending. Mr. Goyal emphasises that the Applicant has no criminal background and has been roped in solely on suspicion, resulting in multiple false implications.

4. With respect to the present FIR, Mr. Goyal argues that the prosecution case is inherently doubtful. There is no CCTV footage from the place of occurrence to corroborate the alleged encounter. As per the chargesheet, the country-made pistol was allegedly snatched from the Applicant's hand by the police officials, yet no fingerprints were lifted from the weapon, and no incriminating article was recovered during his personal search. No TIP was conducted, nor did the police witnesses provide any prior description of the assailants. These omissions indicate that the weapon was planted.

5. Mr. Aashneet Singh, APP for the State, opposes the bail application



and submits that the Applicant is involved in a grave and serious offence, having allegedly fired at a police officer, and therefore does not deserve bail. He argues that the Applicant has criminal antecedents and a demonstrated propensity to indulge in crime, creating a strong possibility of his absconding if released. It is further submitted that empty cartridges, live cartridges, two pistols, and other incriminating items were recovered from the spot and seized through a proper seizure memo. The incident occurred in the presence of several police officials who are eyewitnesses to the firing, and when these recoveries are viewed alongside the direct testimony of the police personnel, there is ample material linking the Applicant to the offence, warranting rejection of the present bail application.

6. The Court has considered the aforementioned submissions and the material placed on record. The offence alleged is undoubtedly serious in nature. However, the determination of bail cannot be guided solely by the gravity of the accusation. The Court must keep in mind several factors, such as whether there is any *prima facie* reasonable ground to believe that the accused has committed the offence, the nature and gravity of the accusation, severity of potential punishment, risk of the accused absconding or fleeing if released on bail, the likelihood of the offence being repeated, etc.⁴

7. The investigation stands concluded and the chargesheet has been filed. The Applicant has remained in custody for approximately one year. A specific concern before this Court relates to the Applicant's implication in the two other FIRs cited by the State, namely FIR No. 407/2024 at P.S. Chhawala and FIR No. 967/2024 at P.S. Paschim Vihar (West). By order dated 26th November, 2025, the State was directed to clarify whether the



Applicant was specifically named in those FIRs or whether his implication arose subsequent to his arrest in the present case.

8. The State has now confirmed that the Applicant was not named in either of the aforesaid FIRs and that his implication rests solely on disclosure statements made after his arrest in the instant matter. Whether the sequence of events unfolded in the manner alleged by the prosecution is a matter of evidence and can only be established during trial.

9. The genesis of the prosecution case is rooted in the incident that occurred on account of suspicion that the Applicant was involved in the incidents forming subject matter of FIRs, in which he was not specifically named therein. The credibility of such information, as well as the exact manner in which the incident transpired, are matters that must be proved during trial. It is noted that the Applicant sustained a gunshot injury on his leg during the incident. Whether this injury was inflicted in legitimate self-defence by the police, as claimed, is an issue that can only be conclusively determined based on evidence led during trial.

10. The Nominal Roll as on 20th November, 2025 reflects that the Applicant is a young individual who has been in custody for about a year. The settled position of law, as reiterated in a catena of Supreme Court decisions, is that the object of bail is neither punitive nor preventive; its purpose is to secure the presence of the accused during trial, not to inflict pre-trial punishment.⁵ Considering the overall facts and circumstances of the case, this Court finds that the Applicant's continued incarceration is not necessary for the purposes of trial.

⁴ *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* (2010) 14 SCC 496.

⁵ See: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of*



11. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- 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 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 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 report to the concerned PS once a month. He shall not be made to wait for more than an hour.

12. With the above directions, the present application is allowed and disposed of.

SANJEEV NARULA, J

DECEMBER 3, 2025/ab

Investigation, (2022) 10 SCC 51.