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

+ **BAIL APPLN. 4118/2025**

HARSH ALIAS ACHU

.....Petitioner

Through: Mr. Lokesh Nath Jha, Mr. Kashish,
Ms. Aditi Chopra, Mr. Nimish Chib
and Mr. Kamaldeep, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State.
Mr. K.K. Sharma, Adv. for the
complainant.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

08.12.2025

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 114/2025, registered at Police Station Jahangir Puri, Delhi for the commission of offences punishable under Sections 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Section 27 of the Arms Act, 1959.

2. Brief facts of the present case are that on 03.02.2025 at about 3:10 AM, the complainant Adiya was travelling with his friends, Sujal @ Dantla and Varun, on a motorcycle belonging to their friend Akash to get food. The complainant was driving the motorcycle. When they had reached the road, they had seen the present applicant/accused Harsh @ Achu, along with other co-accused persons standing there. One of the co-accused, Sujal @ Tinku,



had earlier been associated with the Mukesh @ Bhola gang, and there had been longstanding enmity between the complainant's group and them. In 2023, the complainant's friend Sujal @ Dantla had stabbed co-accused Sujal @ Tinku in the stomach, and in the previous year, Sujal @ Dantla and Varun had also fired gunshots at him, though he had managed to escape unharmed. Further, about 2–3 days prior to the present incident, the complainant and his associates had slapped one of Sujal @ Tinku's associates named Jeet. It was alleged that as soon as the applicant/accused and the co-accused Sujal @ Tinku had seen the complainant along with Varun and Sujal @ Dantla, they had allegedly started firing at them with pistols, firing about 3–4 rounds, one of which had struck the complainant on the left side near his neck and the back of his shoulder. Terrified by such firing, they had turned the motorcycle around and attempted to escape. The complainant had immediately felt severe pain in his left shoulder, had become dizzy, and blood had begun oozing from the wound. Varun had held the motorcycle's handle from behind and stopped the motorcycle, after which Sujal @ Dantla and Varun had taken the complainant on the motorcycle to BJRM Hospital.

3. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case. It is argued that the applicant was not present at the spot when the alleged incident took place and was, in fact, at his residence at the relevant point of time. It is further argued that there is no material on record to establish the presence of the applicant at the spot of the incident, and no CCTV footage exists to corroborate such presence. The learned counsel also points out that there was prior enmity between the group of the applicant/accused and that of the



complainant, which stands admitted. It is further argued that there is no independent eyewitness to the alleged incident, no recovery has been affected from the applicant/accused, and the applicant/accused has clean antecedents. Thus, it is prayed that the applicant be granted regular bail.

4. The learned APP for the State, on the other hand, opposes the bail application and argues that the allegations against the applicant are of serious nature. It is argued that the applicant, along with other co-accused persons, had opened fire at the complainant and his friends, and caused bullet injury to the complainant on the back side of his neck. It is further argued that there are three eye-witnesses to the alleged incident, including the complainant himself, who are yet to be examined. It is contended that the applicant herein was apprehended by the police on the basis of identification made by the eye-witnesses Sujal @ Dantla and Varun. The learned APP further submits that as per the doctor's opinion, the injury sustained by the complainant is grievous in nature. It is also pointed out that it is an admitted fact that there is longstanding enmity between the applicant's group and the complainant's group, and if the applicant herein is released on bail, there is a likelihood of witnesses being influenced or harmed. Therefore, it is prayed that the bail application be dismissed

5. This Court has **heard** arguments addressed by the learned counsel for the applicant and the learned APP for the State, and has perused the material on record.

6. In the present case, this Court notes that the alleged incident had taken place against the backdrop of a longstanding enmity between the applicant/accused's group and the complainant's group, a fact expressly stated by the complainant in his complaint. In the complainant's statement



recorded under Section 180 of BNSS by the police, the applicant herein was specifically named, and it was alleged that he had fired at the complainant with the intention to kill him; *however*, the bullet had struck the complainant on the back side of the neck, near the shoulder.

7. The statements of the complainant's friends, Varun and Sujal @ Dantla, who had been accompanying him at the time of the incident, were also recorded under Section 180 of BNSS. They have specifically named the present accused/applicant and stated that while they had been travelling on a motorcycle, the applicant, along with other co-accused persons, had opened fire at them, resulting in one bullet striking the complainant on the back of his shoulder. It is further noted by this Court that the arrest of the applicant/accused was made on the basis of identification by the complainant's friends, who had accompanied the police for the preparation of the site plan. They are material prosecution witnesses, who were present at the spot, and are yet to be examined before the learned Trial Court.

8. This Court also notes that the complainant's MLC was prepared by the attending doctor, who had opined that the injury sustained by the complainant was *grievous* in nature. The MLC recorded the following: *"A/H/O firearm injury (gunshot injury) Inverted wound present on the left supra-scapular region with blackening around the wound, measuring approximately 1.5 × 1 cm."*

9. Considering the seriousness of the allegations, the nature of the injury, and the admitted fact that there was enmity between the applicant/accused and the complainant and his associates, this Court is not inclined to enlarge the applicant on bail at this stage.

10. Accordingly, the present application stands dismissed.



11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 08, 2025/A/R