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

+ **BAIL APPLN. 4569/2025 & CRL.M.A. 35265/2025**

RINKEY ALIAS RINKU

.....Petitioner

Through: Mr. Vikram Singh Dalal and Mr.
Saksham Aggarwal, Advocates.

versus

THE STATE NCT OF DEHI

.....Respondent

Through: Mr. Hitesh Vali, APP for the State
along with ASI Rajender Singh and
SI Braham Prakash, PS Sultan Puri.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
27.11.2025

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1. This application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 438 of the Code of Criminal Procedure, 1973²) seeks anticipatory bail in FIR No. 317/2025 registered under Section 125 of the Bhartiya Nyaya Sanhita, 2023 and Sections 25/27 of the Arms Act, 1959 at P.S. Sultanpuri.

2. The Applicant's earlier bail application seeking pre-arrest bail in BAIL APPLN 2870/2025 was 'dismissed as withdrawn' by order dated 15th October, 2025, with liberty to apply before the Trial Court at a later stage upon a material change in circumstances.

¹ "BNSS"

² "CrPC"



3. Availing this liberty, the Applicant again applied for pre-arrest bail before the Trial Court, which has since been rejected by order dated 06th November, 2025, prompting the Applicant to approach this Court.

4. As per the prosecution, on 30th April, 2025, a PCR call regarding gunshots fired at C-10, Sultan Puri, Delhi was received, leading to registration of the present case. The complainant, Pooja, later gave a written statement alleging that the accused, Chand, Sachin, Rishi, Akash, and Rinku (the Applicant), fired at her and her son Rahul, while threatening revenge for the death of their brother. During investigation, accused Chand, Akash and Rishi were arrested. The Applicant and co-accused Sachin are yet to be arrested despite search efforts, and Sachin has already been declared an absconder. A country-made pistol was recovered at the instance of Akash, while the pistol allegedly used in the offence is yet to be recovered. As per Akash's disclosure, that weapon was with the Applicant at the time of the incident. Non-bailable warrants were issued against the Applicant on 16th October, 2025. CCTV footage shows him firing at the complainant, and he has been identified by her.

5. Mr. Vikram Singh Dalal, counsel for the Applicant argues that the Applicant has been falsely implicated and that no eye-witness had identified him at the spot when the police first reached; in fact, no eye-witness was found. It is submitted that no recovery is to be effected from the Applicant, and he is ready and willing to join the investigation; therefore, custodial interrogation is not warranted, particularly when all material evidence is already with the investigating agency. He points out that the chargesheet against three co-accused has already been filed and they have been granted bail, and thus the Applicant also deserves bail on the principle of parity. The



Applicant undertakes to abide by any conditions that may be imposed.

6. Mr. Hitesh Vali, APP for the State, argues that the Applicant cannot be granted bail in view of the material collected during investigation which directly links the Applicant to the offence. It is submitted that as per the CCTV footage collected during investigation, the Applicant is clearly visible firing at the complainant, Pooja, and her son, Rahul, who is also an eye-witness to the incident. The Applicant has not joined the investigation and has been evading arrest, leading to the issuance of NBWs. One of the co-accused has already been declared an absconder. The weapon used in the incident is yet to be recovered, and as per the co-accused's disclosure, it was in the Applicant's possession at the relevant time, which makes custodial interrogation necessary. He submits that the offence involves indiscriminate firing in a public place, and there is a possibility of the Applicant intimidating or influencing witnesses if released on bail.

7. At this stage, the Court has considered the rival submissions and the material placed on record. Having regard to the factors identified by the Supreme Court in ***Sushila Aggarwal v. State (NCT of Delhi)***,³ particularly the nature and gravity of the offence, the role attributed to the Applicant, and the overall facts of the case, the Court is of the view that the present matter does not merit the grant of pre-arrest bail. The offence alleged is grave; the weapon used in the incident is yet to be recovered and is suspected to have been in the Applicant's possession at the relevant time. As per the prosecution, the CCTV footage, *prima facie* shows the Applicant firing at the complainant, and he has been specifically identified by her. In these circumstances, the Court finds no justification to extend the protection of



anticipatory bail.

8. The Applicant's plea of parity is misconceived. The co-accused relied upon by the Applicant were granted regular bail after their arrest, and their roles stand on a different footing. Moreover, the State has pointed out that despite issuance of notices under Section 35(3) BNSS on two occasions, the Applicant did not join the investigation. In the facts as they stand, the Court finds no reason to grant pre-arrest bail.

9. Accordingly, the present application is dismissed along with pending application(s), if any.

SANJEEV NARULA, J

NOVEMBER 27, 2025/MK

³ (2020) 5 SCC 1; See also *Shambhu Debnath v. State of Bihar*, 2024 SCC OnLine SC 3827