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

+ **BAIL APPLN. 4630/2024**

PRADEEPPetitioner

Through: Mr. Tanuj Jaglan, Adv.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Aman Usman, APP for State with
Insp. Bijender, P.S. Bindapur, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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28.02.2025

1. The present petition has been filed under Section 483 read with Section 528 BNSS, 2023 seeking regular bail in connection FIR No.737/2023 under Sections 307/384/34/120B IPC and Sections 25/27 of Arms Act registered at P.S. Bindapur, Dwarka, Delhi.
2. The case of the prosecution is that the present FIR came to be registered on a complaint of Mr. Vinay Kumar on the allegations that on 07.11.2023 at about 2:30 PM, one person came with muffled face, aimed at him and fired from the pistol but he saved himself. However, the bullet hit the glass of the slide gate, as a result of which the glass of the gate got broken. It is further alleged that the person who fired upon him threw a hand written slip in which he was asked to meet one Dinesh Karala Bhai.
3. During the course of investigation, it transpired that at the time of offence, the co-accused Kartik and present petitioner Pradeep were riding



the motorcycle. The petitioner was pillion rider who fired at the complainant in the office of Gaurav Homes.

4. Mr. Tanuj Jaglan, the learned counsel appearing on behalf of the petitioner submits that the present petitioner is in custody since 29.11.2023 and the chargesheet has already been filed, therefore, the custody of the petitioner is no more required.

5. He submits that co-accused Kartik who, as per the prosecution version, was also accompanying the present petitioner at the time when alleged incident occurred, has already been granted bail by the court of learned Additional Sessions Judge-03, Dwarka Courts, New Delhi *vide* order dated 25.02.2025 in connection with the present FIR.

6. He submits that the complainant has not identified the present petitioner in TIP. Further the recovery of motorcycle was jointly made from the present petitioner, as well as, co-accused Kartik, who has already been enlarged on bail.

7. Insofar as the recovery is concerned, he submits that the recovery of alleged weapon was made from both, the petitioner, as well as, co-accused Kartik, in another case FIR. He further submits that FSL report does not state that the bullet recovered from the place of incident has matched with the offence weapon recovered from the present petitioner.

8. He submits that there was only one other case registered against the present petitioner which has already been compounded. In this backdrop, he urges that the petitioner may be enlarged on bail.

9. *Per contra*, the learned APP appearing on behalf of the State has argued on the lines of status report.

10. I have heard learned counsel for the petitioner, as well as, the learned



APP for the State and have perused the record.

11. On a query posed by the court, the learned APP, on instructions from the IO, who is present in court, fairly states that co-accused Kartik has been granted bail by the learned Additional Sessions Judge-03, Dwarka Courts, New Delhi.

12. It is also not in dispute that recovery of motorcycle and offence weapon was made both from the present petitioner, as well as, co-accused Kartik. As per the prosecution version, both the accused were riding the motorcycle when the incident had happened, though the firing of pistol shot is attributed to the present petitioner, in which no one was injured. Thus, the role of the present petitioner, as well as, co-accused Kartik is by and large the same, therefore, the petitioner is entitled to bail on the ground of parity.

13. The petitioner was not even identified by the complainant in the TIP. Further, the petitioner is in custody since 29.11.2023 and no useful purpose will be served in keeping him behind the bars, all the more when there are 34 witnesses cited by the prosecution and the trial has not yet commenced.

14. It is also not in dispute that the other case in which the petitioner was involved, has been compounded. The availability of petitioner can also be ensured by putting appropriate conditions.

15. Having regard to the aforesaid circumstances, this court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted to regular bail subject to his furnishing a personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/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 or any family members of the witnesses.
16. It is clarified nothing mentioned above shall be construed as expression of opinion on the merits of the case.
17. The petition is disposed of.
18. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
19. Order *dasti* under signatures of the Court Master.

FEBRUARY 28, 2025

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VIKAS MAHAJAN, J