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

+ **BAIL APPLN. 4708/2024**

SHIV @ BHOLA

.....Petitioner

Through: Mr. Sanjay Kumar, Mr. Neeraj
Kadyan and Mr. Ujjwal Arora, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

22.01.2025

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1. The instant application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant seeking grant of regular bail in FIR No. 1011/2023, registered at Police Station Mahindra Park, Delhi for offences punishable under Sections 307/120-B/34 of the Indian Penal Code, 1860 (hereafter 'IPC') and Sections 25/27/54/59 of Arms Act, 1959.

2. The facts leading to the registration of the present FIR are that the complainant/Nandan Singh was working as a peon in a trading company. On 27.10.2023, a boy had demanded a sum of Rs.2 lacs from him, and on his refusal, he had threatened to kill him. He had thereafter fired a bullet upon the complainant with pistol. Though the complainant had dodged the bullet which hit the wall of the office room, he had sustained burn injuries on his face, neck and eyes due to the gun powder. After the said incident, the applicant/accused had run down the stairs. The complainant had made a



PCR call and the Police had taken the complainant to BJRM Hospital. The applicant/accused is alleged to have provided the vehicle and the weapon used in the incident.

3. The learned counsel appearing on behalf of the applicant argues that the applicant has been falsely implicated in the present case and is in judicial custody for more than 13 months i.e. since 14.12.2023. It is contended that the alleged weapon was also not recovered at his instance. Therefore, it is prayed that bail be granted to the applicant.

4. *Per contra*, the learned APP for the State argues that the allegations against the applicant are grave in nature. Therefore, it is prayed that the present bail application be dismissed.

5. This Court has heard arguments addressed on behalf of both the parties and has perused the material placed on record.

6. It is not disputed that the weapon of offence used in the incident was not recovered at the instance of the present applicant. The Investigating Officer (IO) states that despite reminders, the doctor concerned has still not given his opinion regarding the injuries sustained by the complainant in the alleged incident. Admittedly, the applicant is in judicial custody for more than 13 months i.e. since 14.12.2023

7. Considering the overall facts and circumstances of the case, and the period of custody undergone by the applicant, this Court is inclined to grant regular bail to applicant/accused on his furnishing a personal bond in the sum of Rs. 15,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms & conditions:

i) The applicant/accused shall not leave the country without prior



permission of the concerned Court.

- ii) In case of change of residential address/contract details and phone number, the applicant/accused shall promptly inform the same to the concerned Trial Court.
 - iii) The applicant/accused shall not make any attempt to influence the witnesses during the trial.
 - vi) The applicant/accused will not absent himself before the learned Trial Court;
 - v) In case of any emergency, the applicant will ensure that he will move appropriate application before the learned Trial Court in case he cannot appear.
8. Accordingly, the present bail application stands disposed of.
9. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 22, 2025/A

Click here to check corrigendum, if any