



2025:DHC:10937



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: December 05, 2025*+ **BAIL APPLN. 4717/2025 & CRL.M.A. 36317/2025,**
CRL.M.A. 36318/2025

DANISH ALIAS PK

.....Applicant

Through: Mr. Aakash Naval, Mr.
Musheer Khan and Mr.
Akash Mavi, Advocates.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav, Advocate.
SI Heera Lal, PS
Wazirabad.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present application is filed by the applicant seeking regular bail in FIR No. 689/2025 dated 04.10.2025, registered at Police Station Wazirabad for the offences under Sections 115(2)/126(2)/109(1)/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 25/27 of the Arms Act, 1959.

2. The FIR was registered pursuant to a statement made by victim Arif, wherein, he alleged that on the intervening night of 10/11.09.2025, while he was sitting with his friends namely Asif and Mannu, he received a call from the applicant to meet him

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near Sangam Vihar.

3. It is alleged that, thereafter, all three of them went to Sangam Vihar flyover where the applicant was present along with co-accused Sunny and Sameer. It is alleged that after reaching the designated spot, co-accused Sunny slapped Asif, whereafter, all the three accused persons took out *dandas* from their car and started beating the victims.

4. It is alleged that when the victims tried to run away, the applicant along with co-accused Sunny took out pistols and started open firing at the victims. It is alleged that co-accused Sunny shot Mannu's leg and thereafter shot Arif in the back between his shoulders.

5. It is alleged that thereafter the applicant had hit Asif with a car and subsequently shot him in the hand. It is alleged that the applicant along with the other co-accused then forcibly took Asif and Mannu in two vehicles.

6. It is alleged that thereafter Arif called one of his friends namely, Sohail and informed him of the alleged incident. It is alleged that thereafter the applicant called Arif and asked him to come to the hospital as he would get the bullet removed, however, the applicant allegedly threatened Arif that if he made any complaint regarding the incident he would kill him.

7. During the course of investigation, the applicant along with co-accused Sunny was arrested in the present case. During their interrogation the applicant and co-accused Sunny admitted their involvement in the present case and at their instance the car

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investigation co-accused Sameer was also arrested in the present case.

8. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case.

9. He submits that there is a delay of almost 25 days in registration of the present FIR. He submits that the alleged incident took on place on 10/11.09.2025 and the complaint was given on 04.10.2025.

10. He submits that that the weapon allegedly used in the present case has been recovered and nothing else is to be recovered from the applicant. He submits that the custody of the applicant is no longer required.

11. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the present applicant. He submits that the investigation is at a nascent stage and chargesheet is yet to be filed. He consequently prays that the present application be dismissed.

12. I have heard the learned counsel for the parties and perused the record.

13. The Hon'ble Apex Court in catena of judgments has consistently emphasized the factors to be taken into account when considering bail application, which include: (i) the nature or gravity of the offense; (ii) the character of the evidence and circumstances unique to the accused; (iii) the likelihood of the accused evading justice; (iv) the potential impact of the release



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the probability of the accused engaging in tampering.

14. The grant of bail should not be arbitrary or whimsical. Being conscious of the fact that individual liberty holds immense significance, it is incumbent upon the Courts to examine and evaluate, albeit briefly, factors such as the *prima facie* case, the nature and severity of the crime and the accused's likelihood to tamper with evidence, among other considerations as noted above.

15. In the present case, the allegations against the applicant *prima facie* are serious in nature. It is the case of the prosecution that the applicant along with the other accused persons had caused grievous injuries to the victims.

16. It is pointed out by the learned Additional Public Prosecutor for the State that the chargesheet in the present case has not been filed and the investigation is at a nascent stage.

17. Even otherwise, the MLC of the victims show that they have received gunshot injuries and the applicant had threatened the complainant not to complain regarding the alleged incident.

18. As noted above, the investigation in the present case is at a nascent stage and some play in the joints out to be provided to the prosecution. Further, the apprehension of the applicant influencing the witnesses of the present case cannot be overlooked.

19. It is pertinent to mention that while deciding the question of bail, the Court must carefully balance the individual's right to liberty with the interests of justice. While the presumption of

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law, they must be considered in conjunction with the gravity of the offence and its impact on society.

20. In the present case, the allegations against the applicant are *prima facie* grave and if convicted the applicant would be sentenced to undergo imprisonment for life.

21. In view of the aforesaid discussion, this Court is of the opinion, that no ground for the grant of regular bail has been made out by the applicant.

22. The present application is accordingly dismissed. Pending Application(s), if any, also stand disposed of.

23. It is made clear that the observations made in the present case are only for the purpose of considering the bail applications and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

DECEMBER 5, 2025

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