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

+ **BAIL APPLN. 26/2025**

YOGESH @ GHOGA @ HIMANSHU

.....Petitioner

Through: Mr. Ajay Kumar Thakur, Advocate.
versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Balraj Singh and ASI Ajay Kumar,
P.S. Special Cell.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

02.04.2025

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1. This hearing has been done through hybrid mode.

CRL.M.(BAIL) 388/2025

2. The present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (482 of the Cr.P.C) has been filed seeking grant of interim bail for a period of 30 days in the present case.

3. Learned counsel appearing on behalf of the applicant does not press this application at this stage.

4. The present application is dismissed as withdrawn and disposed of accordingly.

BAIL APPLN. 26/2025

5. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks regular bail in case FIR No. 138/2023, under Sections 186/353/307 of the IPC and Sections 25/27 of the Arms Act, 1959



registered at P.S. Special Cell.

6. The case of the prosecution as per the status report dated 03.03.2025, authored by ACP Ved Prakash, Special Cell/SR, Saket, New Delhi is that on a specific information received on 22.05.2023, and on the direction of senior officers, a team was constituted and a trap was laid near Britannia Chowk, Ring Road, Delhi. It is alleged that at about 3:15 PM, a white Hyundai i20 car was spotted coming from the direction of Britannia Chowk flyover towards Dhaula Kuan which was stopped after crossing the said flyover. It is alleged that a person got out of the car and started smoking a *bidi*, and it appeared that he was waiting for someone. It is further alleged that upon seeing this, the informer identified him as the present applicant and on receiving appropriate signal from Head Constable Naveen Kumar, the raiding team started to approach him. It is further alleged that on noticing the raiding party, the applicant tried to get into the car and was signalled to stop by the team after disclosing their identity as police officials, at this stage, it is alleged that he whipped out a pistol from his left side waist and fired towards the raiding party, however, fortunately no one was hurt. It is alleged that, thereafter, the applicant was overpowered by Head Constable Naveen Kumar and Constable Rajesh. It is further alleged that a semi-automatic pistol of 32 bore with 1 live cartridge was recovered from his possession and a fired empty shell was also recovered from the spot. Consequently, the present FIR was registered, and after the investigation, the chargesheet stands filed.

7. Learned counsel for the applicant submits that the latter has been falsely implicated in the present FIR. It is submitted that on account of his alleged previous involvements, this case has deliberately been foisted upon him. It is submitted that it is the case of the prosecution itself that nobody got hurt



during the incident. With respect to the previous involvements, it is stated that the applicant is on bail in the pending cases. It is further submitted that the applicant has been convicted in another FIR No. 380/2012 registered at P.S. Narela under Sections 307/34 of the IPC and Section 25/27 of the Arms Act, 1959 in which he has been granted bail by a Coordinate Bench of this Court, in his appeal pending before this Court. It is further submitted that the applicant had been released on interim bail on previous occasions and without misusing the liberty granted to him, he had duly surrendered in time.

8. *Per contra*, learned APP for the State, on instructions of the Investigating Officer, submits that the offence is serious in nature and the applicant was caught red-handed after firing a shot at the police team who tried to apprehend him. It is further submitted that the applicant has been involved in various other offences, the list of which has been annexed with the status report along with its status.

9. Heard learned counsel for the parties and perused the record.

10. The perusal of the record reflects that the chargesheet has been filed before the concerned learned Trial Court on 16.12.2023 and charges *qua* the present applicant had been framed on 19.01.2024. The prosecution has cited 12 witnesses, out of which 6 have been examined. All the witnesses are admittedly police officials. The nominal roll dated 07.02.2025 reflects that the applicant is in custody since 24.05.2023 and has undergone judicial incarceration of 1 year 5 months and 10 days as on 06.02.2025, which comes to approximately 1 year 7 months till now. The nominal roll further reflects that the applicant was granted interim bail on three occasions and he had duly surrendered in time without misusing the liberty granted to him. The status of the previous involvements, as shown in the nominal roll as well as status



report, reflects that the applicant was either acquitted or is on bail in the said offences.

11. In totality of the facts and circumstances of the case, the application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall report at Police Station Special Cell on every 2nd and 4th Thursday, at 04:00 PM. The concerned officer is directed to release him by 05:00 PM after recording his presence and completion of all the necessary formalities.
- ii. The applicant shall not leave India without prior permission of the learned Trial Court.
- iii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iv. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- v. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- vi. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.

12. The application is allowed and disposed of accordingly.

13. Pending application(s), if any, also stand disposed of.

14. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the



present bail application.

15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

16. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 2, 2025/bsr/sc

[Click here to check corrigendum, if any](#)