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

+ **BAIL APPLN. 187/2026**

SHIVAM ALIAS BHOLA

.....Petitioner

Through: Mr. Vikas Sharma, Ms. Manvi
Rajvanshy & Mr. Rohan Gupta,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for
State.
SI Chetan, PS Paschim Vihar
(West)

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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05.05.2026

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of regular bail in connection with FIR No. 967/2024 dated 06.11.2024, registered at Police Station Paschim Vihar West, Outer District, Delhi, for offences punishable under Sections 324(6) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], and Section 27 of the Arms Act, 1959. Subsequently, a chargesheet has been filed, wherein additional charges under Section 61(2) of the BNS and Section 25 of the Arms Act, 1959 have also been added.

2. I have heard Mr. Vikas Sharma, learned counsel for the applicant,



and Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State.

3. By order dated 16.01.2026, the Investigating Officer was directed to inform the complainant/victim regarding the pendency of the present proceedings. In compliance thereof, a service report dated 18.03.2026 has been placed on record, affirming due compliance with the said direction.

4. Mr. Srivastava has handed over a status report dated 17.03.2026, which is taken on record.

5. The prosecution case, as emerging from the status report, is as follows:

a) On 03.11.2024, the proprietors of Rajmandir Hypermarket, situated at Guru Harkishan Nagar, Paschim Vihar, Delhi, namely Mr. Suresh Mittal and Mr. Pradeep Mittal, lodged a complaint alleging that they had received extortion calls and messages on their mobile phones and WhatsApp, demanding Rs. 5 crores as “*protection money*” and extending threats of attack upon their residence as well as place of business. Pursuant to the said complaint, FIR No. 966/2024 was registered on 05.11.2024 at Police Station Paschim Vihar West under Section 308(2) of BNS.

b) The present FIR was thereafter registered on 06.11.2024 on the statement of Mohd. Sirtaz, Manager of Rajmandir Hypermarket. He stated that at about 2:15 PM on 06.11.2024, three persons arrived at the store on a black motorcycle and fired several rounds towards the premises while he was seated at the counter. Upon hearing the gunshots and stepping outside, he noticed that unknown assailants had fired upon the glass door of the shop. It is



alleged that two of the assailants crossed the road and opened fire at the store, while the third remained stationed with the motorcycle on the opposite side of the road. The police recovered ten empty cartridges and two fired bullet leads from the spot.

- c) It is stated that all the three accused persons were present on the opposite side of the road for approximately 20 minutes prior to the incident. During the course of investigation, the images of the accused persons were shown to the informers, who identified them as Pravesh Rathee (the driver of the motorcycle); Pawan @ Prince (pillion rider seated at the rear); and Sahil Solanki @ Poli (person seated in between the other two) [hereinafter, "Sahil"].

6. Insofar as the present applicant is concerned, the allegations against him, as summarised in the status report, are as follows:

"6. During the course of investigation, Co-accused Shivam @ Bhola was arrested in the instant case on 18.11.2024 who had given a mobile phone and cash rupees 2 lakh to accused Sahil Solanki @ Poli on 06.11.24 (evening) at Milan Dhaba, Rohtak, Haryana. Also, mobile phone of accused Sahil Solanki @ Poli was recovered from accused Shivam @ Bhola while he was arrested by Special cell officials on 12.11.2024. SIM Numbers 1. 8448753881 (Airtel) and 2. 8510893053 (VI) were also found installed in the mobile phone recovered by special cell. SDR of both the above mobile numbers was found to be in the name of accused Sahil Solanki @ Poli. IPDR data of mobile phone No. 8448753881 was obtained for the relevant period and location of the mobile phone of the accused was observed at the place of incident i.e at and near Rajmandir Store, Guru Harkishan Nagar, Paschim Vihar, Delhi at the time of incident on 06.11.2024. On examination the CCTV footages accused Sahil Solanki @ Poli is seen using the mobile phone outside the Rajmandir Store before the firing incident on 06.11.24. The same mobile phone has been recovered and seized in the case.

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8. During further course of investigation, accused Sahil



Solanki has also been arrested in this case on 17.02.25. his disclosure statement has been recorded wherein he has narrated the whole incident which is found corroborated with his mobile locations. He has been arrested by officials of Special cell on 09.01.2025. And the mobile phone that was given to him by accused Shivam @ Bhola on 06.11.24 has been recovered from him. During the course of investigation, section 109(2) BNS has been added in the case. Accused Sahil Solanki has disclosed that he along with other accused persons had fired at Raj mandir Store on 06.11.24 as per the directions of Kapil Sangwan @ Nandu in order to extort a huge amount from the owners of the store by keeping them in fear of death and loss of property to them. The co-accused persons Kapil Sangwan @ Nandu and Aman @ Chintu are still absconding. NBW has already been issued against accused Kapil Sangwan by the concerned court and proceedings 82 CrPC has been initiated against accused Aman @Chintu.”¹

7. Mr. Sharma submits that the chargesheet in the present case has already been filed, and that the applicant has remained in custody for approximately one year and six months. He further submits that the applicant was not present at the time of the alleged incident, and that the allegations against him are limited to the alleged supply of a mobile phone and cash to Sahil, as well as the alleged recovery of Sahil’s mobile phone from the applicant.

8. Mr. Sharma further submits that co-accused Ashish and Pravesh Rathee have already been granted bail by this Court *vide* orders dated 25.09.2026 in BAIL APPLN. 2945/2025 and 10.04.2026 in BAIL APPLN. 56/2026, respectively, notwithstanding the fact that the allegations against them were graver than those levelled against the present applicant.

9. *Per contra*, Mr. Srivastava submits that the applicant is involved in a serious offence under Section 307 of the Indian Penal Code, 1860

¹ Emphasis supplied.



(corresponding to Section 109 of BNS). He further submits that the mobile phone allegedly recovered from the applicant was associated with a telephone number registered in the name of Sahil, which was found to be active in the vicinity of the place of incident at the relevant time. Learned Additional Public Prosecutor, additionally submits that the CCTV footage, in fact, shows Sahil using the said mobile phone shortly prior to the commission of the offence. However, Mr. Srivastava does not dispute that the present applicant was not present at the spot of the incident, and was not directly involved in the firing at the complainant's shop. He also draws my attention to the fact that the applicant is involved in three other criminal cases, being FIR No. 511/2024, FIR No, 407/2024 and FIR No. 55/2023.

10. Having heard learned counsel for the parties and considered the facts and circumstances of the case, I am of the view that it would be appropriate to enlarge the applicant on regular bail. The investigation stands concluded and the chargesheet has already been filed. Further, the applicant has remained in custody for a period of approximately one year and six months.

11. Even according to the prosecution case, the applicant was not present at the place of the alleged incident. The allegations against him rest primarily on the disclosure statement of Sahil, wherein it is stated that the applicant had allegedly provided him with cash and a mobile phone. The prosecution further relies upon the alleged recovery of a mobile phone stated to belong to Sahil, from the applicant. However, apart from the aforesaid, it appears *prima facie* that there is no recovery of any incriminating material nor any other independent evidence



connecting the applicant to the commission of the offence.

12. In the case of co-accused Ashish, this Court had granted bail, noting that the prosecution case was primarily based on the disclosure statements of a co-accused, with no direct recovery from him and no material to establish his presence at the scene of crime. Similarly, in the case of Parvesh Rathee, this Court had granted bail, noting that he was neither one of the persons who had allegedly crossed over to the store nor was there any allegation of his having used any firearm. The allegations against the present applicant are, therefore, not graver than those levelled against the said co-accused.

13. As regards the applicant's alleged criminal antecedents, the Supreme Court in *Prabhakar Tewari v. State of Uttar Pradesh and Anr.*² has held that criminal antecedents, by themselves, do not necessarily warrant denial of bail. In the present case, it is also not disputed that the applicant has already been granted bail in all the other three cases in which he is stated to be involved.

14. In view of the aforesaid, it is directed that the applicant shall be released on bail in connection with FIR No. 967/2024 dated 06.11.2024, registered at Police Station Paschim Vihar West, Outer District, Delhi, for offences punishable under Sections 324(6) read with 3(5) of BNS, and Section 27 of the Arms Act, 1959, subject to furnishing a bail bond in the sum of Rs.50,000/- alongwith one surety of the like amount, to the satisfaction of the learned Trial Court/Duty Magistrate, and subject to the following conditions:

a) The applicant shall appear before the learned Sessions Court on



each and every date of hearing;

- b) The applicant shall furnish his permanent address to the concerned Investigating Officer [“IO”]/Station House Officer [“SHO”], as well as the address at which he is presently residing during the pendency of the case. He shall further, in the event of any change in his residential address, promptly intimate the IO/SHO and also file an affidavit to that effect before the learned Sessions Court;
 - c) The applicant shall provide his mobile number to the concerned IO/SHO, which shall remain operational at all times. The said mobile number shall neither be switched off nor be changed without prior intimation to the IO/SHO during the pendency of the trial;
 - d) The applicant shall not, directly or indirectly, contact, visit, or offer any inducement, threat, or promise to any prosecution witness or any person acquainted with the facts of the case;
 - e) The applicant shall not, directly or indirectly, tamper with evidence or do any act or omission that may prejudice the fair trial or the proceedings pending before the Court;
 - f) The applicant shall not leave the country without prior permission of the learned Sessions Court;
 - g) The applicant shall not commit any offence during the period of his release on bail.
15. The bail application is disposed of in terms of the above.
16. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall

² (2020) 11 SCC 648.



neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

17. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

MAY 5, 2026

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