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

\+ BAIL APPLN. 418/2026, CRL.M.A. 3204/2026

PRINCE .....Applicant

Through: Mr. M.L. Yadav, Mr. Prashant, Mr. Piyush and Mr. Hardeep Godara, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Raghuinder Verma, APP for the State with Mr. Aditya Vikram Singh, Advocate SI Pankaj Kumar and SI Rajbir Singh, PS-Jyoti Nagar.

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

O R D E R

% 16.04.2026

1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the applicant seeks grant of regular bail in proceedings arising out of FIR No.84/2025 dated 07.02.2025 registered at PS.: Jyoti Nagar, Delhi under *Sections 109(1)/3(5)* of Bharatiya Nyaya Sanhita, 2023 (***BNS***) & *Section 27* of the Arms Act, 1959 (***AA***).

2. *Succinctly put*, the present FIR was registered based on a complaint made by Mr. Chandrakant (***complainant***) on 06.02.2025, a PCR call was received at the Police Station, Jyoti Nagar, regarding a firing incident near Veer Ji Chaap/ Red Bowl restaurant. Upon reaching the said location, the Investigating Officer (***IO***) found Mr. Meher Khokhar (***victim***) had already

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been shifted to GTB Hospital. In fact, the IO also found one empty cartridge and one bullet at the scene of crime, which were taken in possession by him in compliance with due legal procedure.

3. Thereafter, the IO went to the GTB Hospital and collected the MLC Report of the victim, as per which, the injury was a result of physical assault and thence, after the victim was declared fit to give a statement, the victim along with the complainant went to the Police Station wherein the statement of the complainant was recorded. Based thereon, it was revealed that due to some verbal alteration, the co-accused persons threatened the complainant and his brother, which lead to the co-accused, Mr. Nishant, firing a gun shot which missed its target. Further, the co-accused person started beating the victim with stick and the applicant herein, on directions of the co-accused person, fired his gun at the complainant and the victim. Thereafter, as the crowd began to gather around, the co-accused persons as also the applicant fled the scene of crime.

4. During further investigation, as per disclosure statement of the co-accused persons, the applicant arranged for sticks and the guns for the co-accused persons and the CCTV footage also recorded the presence of the applicant. Pursuant thereto, the applicant was arrested on 10.07.2025 and sent to judicial custody. In fact, on 12.07.2025, TIP proceedings of applicant was conducted wherein complainant and the victim successfully identified him. As such, on 18.07.2025, police remand of applicant was obtained, based whereon the applicant disclosed his involvement and named the co-accused, Mr. Nishant to be the one who shot the victim.

5. Subsequent thereto, the charge sheet has been filed and the learned Trial Court on 17.01.2026 framed charges against the applicant under

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Section 238(b) of the BNS and *Section 27* of the AA. Currently, the matter is at the stage of prosecution evidence before the learned Trial Court.

6. At the outset, learned counsel for the applicant submits that the role assigned by the prosecution is false as the CCTV footage evinces that the applicant was only seen to be having a gun, that too momentarily and without firing the same. He submits that three other co-accused persons involved in the present FIR have already been granted anticipatory bail by the learned Trial Court. As such, applicant herein ought to be granted bail on the ground of parity.

7. More so, learned counsel for the applicant relying upon the judgment(s) of the Co-ordinate Bench of this Court in BAIL APPLN. 4654/2025 dated 07.01.2026 and BAIL APPLN.4093/2025 dated 27.11.2025, submits that where the nature of injuries sustained by the complainant is *simple*, and no weapon of offence was recovered from the applicant, the same constitutes a strong ground for granting bail. Lastly, learned counsel for the applicant, relying upon the judgment of the Apex Court in ***Prabhakar Tewari vs. State of U.P. and Anr.:*** *(2020) 11 SCC 648*, submits that although the applicant has prior criminal antecedents, however, the same cannot be the sole ground to deny bail to the applicant.

8. *Per contra*, learned APP for the State has handed over a copy of the Status Report, which is taken on record. Based thereon, he submits that the allegations *qua* the applicant herein is serious and grave in nature as also the applicant has been identified in the TIP proceedings as one of the main accused, so much so, the CCTV footage reveals that the applicant was present at the time of incident which corroborates his involvement in the present FIR.

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9. Learned APP for the State further submits that considering that there are prior antecedents of the applicant and as the proceedings arising out of the present FIR is at the stage of prosecution evidence, there is grave apprehension that, if the applicant is released on bail, he may influence the prosecution witnesses and/ or abscond.

10. Heard.

11. As corroborated by the CCTV footage as also the disclosure statements of the co-accused persons, there is no dispute that the applicant herein was very much present at the scene of the crime with a gun, and that he was an active participant at the fateful time. In fact, the applicant has been identified by the complainant during the course of TIP proceedings.

12. Though the prior involvement of the applicant in other previous FIRs is itself no ground to deny him bail, however, considering the nature and gravity involved therein and their timeline, this Court is not inclined to grant him bail.

13. As regards parity, the role assigned to the co-accused persons were/ are completely on a different footing from that of the applicant.

14. Also, the judgment(s) relied by the applicant, passed by the Co-ordinate Bench of this Court are distinguishable on facts and are not applicable to the facts and circumstances of the present case.

15. Thus, considering the gravity and seriousness of the offence, the *prima facie* evidence on record indicating the applicant's presence, participation and role at the time of the incident, his prior criminal antecedents and the real likelihood of witness intimidation, all cumulatively weigh against grant of regular bail.

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16. As such, in view of the afore-going, no grounds for granting regular bail is made out.

17. Accordingly, the present application along with the pending application is dismissed.

18. The observations expressed hereinabove, if any, being tentative in nature, will not come in the way of any subsequent proceedings, which shall be dealt on their own merits.

SAURABH BANERJEE, J

APRIL 16, 2026/NA

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