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

+ **BAIL APPLN. 675/2026**

SUJAL

.....Petitioner

Through: Mr. K.K. Sharma, Mr. Mohit Sharma,
Mr. Pratham Kindra and Mr. Tushar
Batra, Advocates

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Manoj Pant, APP for the State
with SI Amit, P.S. Jahangir Puri

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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08.05.2026

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 114/2025, registered at Police Station Jahangir Puri, Delhi, for the commission of the offences punishable under Section 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter '*BNS*') and Section 27 of the Arms Act, 1959.
2. The brief facts of the present case are that on 03.02.2025, at about 3:10 AM, the injured/complainant, Aditya, along with his friends, Sujal @ Dantla and Varun, was proceeding on a motorcycle towards a food outlet. It is alleged that, on the way, they noticed the accused persons, namely Harsh @ Achu, Ankit, Krish @ Khema, Sujal @ Tinku (the present applicant), along with certain other associates, standing there. As per the statement of



the complainant, rivalry existed between the two groups on account of earlier incidents involving assault and firing between the parties. It is alleged that, upon noticing the complainant and his companions, co-accused Harsh @ Achu and the present applicant had started firing gunshots at them with the intention to kill the complainant. During the said firing, the complainant sustained a gunshot injury near his neck and left shoulder region. Thereafter, his companions immediately shifted him to BJRM Hospital and subsequently to LNJP Hospital for medical treatment. Consequently, the present FIR came to be registered.

3. The learned counsel for the applicant argues that the applicant has been falsely implicated in the present case. It is further submitted that, although the allegation against the applicant is that he had fired at the complainant, no firearm has been recovered from his possession. It is also argued that no CCTV footage is available to corroborate the allegations leveled against the applicant. It is further submitted that co-accused Ankit and Girish have already been enlarged on bail by the learned Sessions Court. It is further contended that the applicant was arrested only after issuance of non-bailable warrants; however, it is submitted that he was not absconding from the process of law, and was residing with his mother in Mumbai. On these grounds, it is prayed that the applicant be enlarged on bail.

4. *Per contra*, learned APP for the State opposes the bail application and submits that the FIR in the present case was registered on 03.02.2025. It is argued that the applicant was absconding during investigation and NBWs had to be issued against him, pursuant to which he was arrested. It is further submitted that the specific role attributed to the present applicant is that he had fired gunshots at the victims, resulting in grievous injuries. The learned



APP further submits that the applicant is involved in four previous criminal cases of similar nature. It is also argued that the complainant, who is a minor, is yet to be examined before the learned Trial Court, and in the event the applicant is released on bail, there exists a reasonable apprehension that he may influence or intimidate the complainant. Therefore, it is prayed that the applicant be denied bail.

5. This Court has **heard** the arguments addressed by learned counsel for the applicant as well as learned APP for the State, and has perused the material available on record.

6. In a nutshell, the allegations against the present applicant are that he, along with co-accused Harsh @ Achu, had fired gunshots towards the complainant and his companions and was actively involved in the commission of the alleged offence.

7. This Court further notes that the applicant had absconded during the initial stage of investigation, pursuant to which NBWs were issued against him, and he was subsequently arrested from Mumbai, Maharashtra.

8. Insofar as the plea of parity with co-accused Ankit @ Niranjana and Girish @ Khema, who were enlarged on bail by the learned Sessions Court *vide* order dated 24.09.2025, is concerned, this Court is of the view that the role attributed to the present applicant stands on a different footing. The allegations specifically attribute the act of firing gunshots to the present applicant, along with co-accused Harsh @ Achu, as a result of which the complainant had sustained injuries, which have been opined by the doctor to be *grievous* in nature. The MLC records as under:

"A/H/O firearm injury (gunshot injury) Inverted wound present on the left supra-scapular region with blackening around the wound, measuring approximately 1.5 × 1 cm."



9. This Court also notes that the applicant is involved in four prior criminal cases of similar nature.

10. It is further noted that the complainant, who is a minor, has not yet been examined before the learned Trial Court, and there exists a reasonable apprehension that, in the event the applicant is released on bail, he may attempt to threaten or influence the complainant.

11. The Hon'ble Supreme Court in ***Bhagwan Singh v. Dilip Kumar @ Deepu @ Deepak and Anr.***: 2023 INSC 761, wherein the Court emphasised that bail is a discretionary relief, to be granted or denied based on the specific facts and circumstances of each case. The Court further delineated the factors to be considered when exercising such discretion. The relevant extracts of the aforementioned judgment are as follows:

“12. The grant of bail is a discretionary relief which necessarily means that such discretion would have to be exercised in a judicious manner and not as a matter of course. The grant of bail is dependent upon contextual facts of the matter being dealt with by the Court and may vary from case to case. There cannot be any exhaustive parameters set out for considering the application for grant of bail. However, it can be noted that:

- a. While granting bail the court has to keep in mind factors such as the nature of accusations, severity of the punishment, if the accusations entail a conviction and the nature of evidence in support of the accusations.
- b. Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the Court in the matter of grant of bail.
- c. While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought to be always a prima facie satisfaction of the Court in support of the charge.
- d. Frivolity of prosecution should always be considered and it is only the clement of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the



prosecution, in the normal course of events, the accused is entitled to have an order of bail.”

12. Therefore, considering the overall facts and circumstances of the present case, particularly the specific role attributed to the applicant in firing gunshots at the complainant and his companions, the fact that the complainant, who is a minor, is yet to be examined before the learned Trial Court, and the apprehension that the applicant may influence or intimidate the complainant if released on bail, this Court is not inclined to grant regular bail to the applicant, at this stage.

13. Accordingly, in view of the aforesaid discussion, the present bail application stands dismissed.

14. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

15. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 08, 2026/ns

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