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

+ **BAIL APPLN. 807/2026**

TONY @ VIKAS

.....Petitioner

Through: Mr. K K Vijay, Adv.

versus

THE STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with Mr. Divyang Kishwan, Adv.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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25.02.2026

CRL.M.A. 6208/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 526/2024, registered at Police Station Bhalswa Dairy, Delhi for the commission of offence punishable under Sections 109(1)/3(5) of the the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Sections 25 & 27 of the Arms Act, 1959.
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. Briefly stated, the facts of the present case are that on 10.07.2024, PCR calls vide DD Nos.125, 126A, 127A, 129A, 130A, 133A and 134A were received at Police Station Bhalswa Dairy, Delhi, regarding a quarrel



that had taken place near Yoyo Hotel, 101 Bus Stand, Bhalswa Dairy, Delhi. After receiving the above PCR Calls, a police official had reached at BJRM Hospital where he had collected (1) MLC No. 255732/24 of Sheikh Halim S/o Sheikh Matlab (2) MLC No. 255741/24 of Shan S/o Riyasat Ali. Both the injured had been shifted to LNJP Hospital for further treatment, where the doctor had handed over sealed samples of the exhibits and clothes of both the injured persons to the police official. Thereafter, the police official had reached the place of incident i.e. near Yoyo Hotel, 101 Bus stand, Bhalswa Dairy and on inspection, an empty cartridge had been recovered from the spot. Thereafter, the police official had recorded statement of injured Shan Mohammad @ Shanu at LNJP Hospital, wherein he had disclosed that on 10.07.2024, while he was going to his home by e-rickshaw at about 10:00 PM, he had reached near Yoyo Hotel, where some persons had been fighting with each other. He had de-boarded from the e-rickshaw and in the meantime, gun-shot firing had started due to which he had run towards Mangal Bazar Road. Subsequently, a person had shouted "TONI BHAJI YE BHI DEEPAK PASSION KA SATHI HAI, GOLI CHALAAO" and the present applicant/accused had started firing gun-shots towards him. Thereafter, the applicant/accused along with two others persons had assaulted him with a stick and steel pipe. Thereafter, on hearing the siren of police vehicle, all the accused persons had run from the spot. On the basis of the statement of injured Shan Mohammad, the present FIR was registered on 11.07.2024 and investigation was carried out.

6. The learned counsel appearing for the applicant argues that the present accused/applicant has been falsely implicated in the case. It is argued that the FSL report in this case has not yet been received and in the



absence of the same, charges could not be framed. Moreover, it is stated that the present accused/applicant has been in judicial custody for the last eighteen months and the co-accused in this case has already been granted bail by this Court *vide* order dated 17.04.2025. It is, therefore, prayed that the applicant be released on regular bail.

7. The learned APP for the State, on the other hand, opposes the present bail application and argues that the allegations against the applicant herein/accused are serious in nature. It further argued that the present applicant may extend threats to the witnesses, if released on bail.

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

9. This Court notes that the applicant has been in judicial custody for about 18 months and co-accused has already been granted enlarged on bail *vide* order dated 17.04.2025.. It is also not disputed that there are cross cases between the parties.

10. Further, the FSL report regarding weapon of offence has not yet been received and charges could not be framed in the absence of the same. Further, it is to be noted that there are no criminal antecedents of the applicant herein. It is pertinent to note that opinion on the nature of injury sustained by Sheikh Halim has not been procured yet, and the other injured persons Shan had received simple injury as per the MLC.

11. Considering the overall facts and circumstance of the case, and the fact that the FSL report is still awaited, this Court is *inclined to grant regular bail* to the applicant on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount, subject to the satisfaction of



the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i. The applicant shall not directly or indirectly contact the victim or his family members and not to make an attempt to influence the witnesses, or tamper with the evidence in any manner.
 - ii. The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
 - iii. In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
 - iv. The applicant shall appear regularly before the learned Trial Court.
12. Accordingly, the present bail application stands allowed and is disposed of.
13. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 25, 2026/A/AP