



2026:DHC:2511



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

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Date of Decision: 25.03.2026

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BAIL APPLN. 1191/2026, CRL.M.A. 9096/2026 & 9097/2026

BABLU

.....Petitioner

Through: Mr. Sunil Prakash Pandey, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with SI Manish, PS Burari**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 857/2025 of PS Burari for offence under Section 109(1)/3(5) BNS and Section 25/27 Arms Act.

2. Broadly speaking, the allegation against the accused/applicant is that by way of revenge, the accused/applicant and his three associates assaulted the victim. The present accused/applicant and Child in Conflict with Law, namely X allegedly caught hold of the victim, after which another Child in Conflict with Law namely Y inflicted knife blow on neck of the victim and they started dragging the victim intending to kill him at some deserted place and at that stage, mother of the victim intervened, so the co-accused Dhiresh

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took out a pistol and fired at the victim but the shot misfired and hit at a tea vendor present at the spot. Thereafter all four accused persons fled away.

3. Learned counsel for accused/applicant argues that no custodial interrogation is required, so he deserves to be granted anticipatory bail. It is also contended that the accused/applicant was not even present at the time of the alleged incident and that he is soft target because of earlier dispute between the two groups. It is also contended that no cartridge was recovered from the spot, which belies the alleged incident. It is also contended that there is no CCTV footage and there is no public witness.

4. On the other hand, learned prosecutor assisted by IO SI Manish strongly opposes the anticipatory bail application. The IO submits that from the spot, empty cartridge was also recovered and in any case, the MLCs of both injured persons also corroborate the statement of the first informant. It is also submitted that investigation is continuing as regards presence of CCTV and any public witness, if available.

5. The IO has shown me MLCs of both injured persons. Fortunately, both of them survived.

6. The requirement of custodial interrogation is not the only factor to be kept in mind while dealing with anticipatory bail application. The nature of offence as well as the manner in which it was committed also are relevant factors. As mentioned above, here is a case where four persons assault one individual, who is given knife blow on neck, which could be fatal and

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thereafter a bullet is fired at him, but it misses the target and hits another person present in the vicinity. Grant of anticipatory bail in such cases of complete lawlessness would send extremely wrong signals to the society.

7. Therefore, I do not find it a fit case to grant anticipatory bail. The anticipatory bail application and other accompanying applications are dismissed.

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**GIRISH KATHPALIA
(JUDGE)**

MARCH 25, 2026/as

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