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

+ **BAIL APPLN. 1875/2026**

SANDEEP KHATRI

.....Petitioner

Through: **Mr. Shivam Sharma, Advocate.**

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Tarang Srivastava, APP for State.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **13.05.2026**

CRL.M.A. 15127/2026 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 1875/2026

1. By way of this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks anticipatory bail in connection with FIR No. 156/2025, dated 24.06.2025, at Police Station Crime Branch, Delhi, under Section 25 of the Arms Act, 1959 ["Arms Act"].
2. The applicant had earlier approached the learned Sessions Court for anticipatory bail, which was rejected by order dated 13.04.2026. Before the learned Sessions Court, the prosecution had filed a reply to the application, which has been placed on record.



3. The prosecution case, as it emerges from the material on record, is as follows:

- a. FIR No. 325/2025 was registered at Police Station K.N. Katju Marg, District Rohini, on 10.06.2025 under Sections 125/324(4)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], and Sections 25/27 of the Arms Act with regard to an incident involving firing upon two vehicles. It was alleged that the firing had been carried out by Chirag@Kala and others, who were members of a gang known as the "Gogi Gang".
- b. The present FIR was registered under Section 25 of the Arms Act, pursuant to secret information that Chirag@Kala would be carrying illegal arms and would be present on Ganda Nala Road, Sector-25, Rohini, Delhi. A raid was conducted on 24.06.2025, and Chirag @ Kala was apprehended with a country-made pistol and two live cartridges in his possession.
- c. Chirag@Kala was arrested, and at his instance, another illegal weapon, namely a 7.65 mm pistol, was recovered from a location near Bankner Underpass, Narela, Delhi.
- d. Chirag@Kala disclosed that the present applicant was an active associate of the Gogi Gang, which was allegedly involved in various criminal activities, and that the present applicant was responsible for supplying weapons to the gang members. He further disclosed that he, alongwith the applicant, had gone to Meerut and procured three country-made pistols, one country-made katta, and 14 live cartridges for a sum of Rs. 1.10 lakhs from one Abdulla.



- e. On the basis of the disclosure statements of Chirag@Kala recorded during the course of investigation in FIR No. 325/2025, the applicant was arrayed as an accused in the said FIR. The applicant thereafter sought anticipatory bail in connection with the said FIR, which was granted by the learned Sessions Court *vide* order dated 14.03.2026.
- f. In the present case, however, the learned Sessions Court declined the applicant's prayer for anticipatory bail, noting that the applicant's Call Detail Record location was found to be in Meerut, from where he was alleged to have procured the illegal weapons supplied to Chirag @ Kala.
4. I have heard Mr. Shivam Sharma, learned counsel for the applicant, and Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State.
5. Mr. Sharma submits that the only material against the applicant in connection with the present FIR is the alleged disclosure statement of a co-accused, on the basis of which the applicant has been sought to be implicated. He further submits that the present case does not involve any incident of actual firing, and that the applicant has already been granted anticipatory bail in FIR No. 325/2025, which did involve an incident of firing. He submits that the applicant is willing to join and cooperate with the investigation.
6. Mr. Srivastava, on the other hand, submits that the present FIR pertains to the supply of illegal arms to a notorious gang, and investigation is presently under way. He submits that the applicant has been identified as an associate of the gang involved in the procurement of



illegal arms, and that the original supplier of the weapons is yet to be traced. According to him, in the facts and circumstances of the present case, the applicant ought not to be granted protection from custodial interrogation.

7. Having heard learned counsel for the parties, I am of the view that the present case is not an appropriate one for grant of anticipatory bail. The Supreme Court in *Srikant Upadhyay v. State of Bihar*¹ emphasised the considerations which must prevail in adjudicating an application for anticipatory bail. While characterising anticipatory bail as an “*extraordinary remedy*”, the Court cautioned circumspection, in the following terms:

“30. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case. While called upon to exercise the said power, the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously defying orders and keeps absconding is not entitled to such grant.”²

This view has subsequently been followed in *Nikita Jagganath Shetty*

¹ (2024) 12 SCC 382 [hereinafter, “*Srikant Upadhyay*”].

² Emphasis supplied.



*alias Nikita Vishwajeet Jadhav v. State of Maharashtra and Anr.*³

8. While considering the case of an accused for protection from deprivation of liberty, the Court is thus required to balance the public interest in a fair and effective investigation.

9. In the present case, the investigation is still in progress and concerns the alleged activities of a gang, involved in various criminal activities. Central to the activities, is the procurement of illegal arms, in which the applicant is alleged to have acted as a principal facilitator and organiser. The public interest in ensuring an effective investigation into such allegations militates against the grant of anticipatory bail to the applicant.

10. This is also not a case where the requirement of custodial interrogation can, at this stage, be ruled out altogether. The alleged supplier of the weapons, through whom the applicant is alleged to have procured them, is yet to be traced. The Supreme Court in *State v. Anil Sharma*⁴ has emphasised that custodial interrogation is far more effective and elicits information more readily than investigation when the accused is protected by the Court. Reference in this regard may be made to the following observations of the said judgment:

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often

³ 2025 SCC OnLine SC 1489, paragraph 18.

⁴ (1997) 7 SCC 187.



interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”⁵

The same view has been expressed in *P. Krishna Mohan Reddy v. State of A.P.*⁶.

11. Although Mr. Sharma emphasised the fact that the applicant has been granted anticipatory bail in FIR No. 325/2025, I find that the learned Sessions Court, while granting such relief, noted that the principal role in the said case, which concerns, the actual incident of shooting, was attributed to the co-accused, and not to the present applicant. Further, while the weapon used in the incident was recovered from the co-accused. I do not consider the present case to be in *pari materia* with FIR No. 325/2025. The principal allegation in FIR No. 325/2025 pertains to the incident of shooting, in which the applicant was not alleged to be directly involved, whereas the gravamen of the allegations in the present case concerns the procurement and supply of illegal weapons themselves, in respect of which the applicant is alleged to have had direct involvement.

12. Having regard to the entirety of the facts and circumstances pertaining to the present FIR, I am not inclined to grant anticipatory bail in the present case.

13. The application is therefore dismissed.

⁵ Emphasis supplied.

⁶ 2025 SCC OnLine SC 1157, paragraph 19.



14. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application and shall not influence the trial proceedings, nor shall they be construed as an expression of opinion on the merits of the case.

PRATEEK JALAN, J

MAY 13, 2026
'pv/JM'