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

+ **BAIL APPLN. 1905/2025**

VINOD

.....Petitioner

Through: Mr. Bipin Kumar Jha and Ms. Komal Jha, Advs.

versus

STATE (GOVT. OF NCT DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for the State with Insp. Mukesh Rana, PS Krishna Nagar
Mr. Divyang Kishwan, Adv.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

10.02.2026

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 839/2015, registered at police Station Krishna Nagar, Delhi, for commission of offences punishable under Sections 302/392/394/397/411/468/471/482/120B/34 of the Indian Penal Code, 1860 (hereinafter 'IPC') and 25/27/54/59 Arms Act.

2. The brief facts of the case are that on 17.11.2015, a PCR call *vide* DD No. 24-A regarding a robbery involving gunfire was received, pursuant to which the Investigating Officer had reached the spot of incident. Upon inspection of the scene of crime, one empty cartridge, two live cartridges, one fired bullet, and one scooter had been found lying at the spot. Thereafter, the I.O. had proceeded to the hospital where the complainant had been taken and had recorded his statement. In his statement, the complainant



stated that he had been working as a salesman and cash collector at Jagsons Cables for the past one month. He further stated that on 17.11.2015, at about 4:15 PM, he had gone to Honey Garments for collection of payment, from where he had received a sum of ₹6,00,000/-. The complainant had kept the said amount in a bag and had left for his office on his scooter bearing registration number DL-7SAF-8747. At about 5:30 PM, when he had reached in front of D-4, Krishna Nagar, near Chhachi Building Chowk, three unknown persons had arrived on a black Pulsar motorcycle and had forcibly stopped his scooter on the left side of the street. It was alleged that two of the said persons had approached him, and one of them had attempted to snatch his bag. When the complainant had resisted, one of the assailants had fired a gunshot, after which the bag had been forcibly robbed. Thereafter, all three accused persons had fled from the spot on the same motorcycle. On the basis of the statement of the complainant, the present FIR had been registered and investigation had been taken up accordingly. On 21.11.2015, the complainant had succumbed to his injuries.

3. During investigation, upon perusal of the CCTV footage, co-accused Shawej @ Sheru had been identified and had subsequently been arrested on 20.11.2015. During interrogation, he had disclosed that the plan for committing the robbery had been hatched by him along with co-accused Naushad. Thereafter, co-accused Naushad had been arrested, who had further disclosed that the robbery had been committed pursuant to a criminal conspiracy involving co-accused Nasir, Lokesh, and the present applicant/accused Vinod. It was further disclosed that co-accused Naushad had stolen the motorcycle used in the commission of the offence, while the present applicant/accused had arranged a country-made pistol. In furtherance



of the said conspiracy, co-accused Naushad, Lokesh, and the applicant/accused had proceeded to the spot on the motorcycle. Co-accused Lokesh and the applicant/accused had forcibly stopped the scooter of the complainant/deceased and had attempted to snatch the bag containing money. When the complainant had resisted, the applicant herein had allegedly fired at the complainant/deceased, had taken away the bag containing cash, and had fled from the spot along with the co-accused persons. Acting on secret information, the present applicant/accused Vinod and co-accused Nasir had subsequently been arrested on 26.11.2015.

4. The learned counsel appearing for the applicant/accused argues that the applicant was arrested on 26.11.2015 and has remained in judicial custody for more than ten years. It is further argued that the co-accused Shawvej @ Sheru and Nasir have already been enlarged on bail *vide* orders dated 29.11.2016 and 11.01.2017, respectively. The learned counsel further draws attention to the testimony of PW-17, who, during cross-examination, admitted that the faces of the assailants are not clearly visible in the CCTV footage, as they are wearing helmets. It is additionally argued that, out of a total of 47 witnesses cited by the prosecution, only 29 witnesses have been examined so far, and the trial is likely to take a considerable period to conclude. It is further argued that the applicant/accused has been implicated in 14 cases, out of which 11 cases are reported as untraced, he has been acquitted in one case, and only two cases are presently pending. On these grounds, it is prayed that the applicant/accused be enlarged on bail.

5. *Per contra*, the learned APP for the State vehemently opposes the present bail application, contending that the offence in question is serious



and grave in nature. It is argued that the applicant, in conspiracy with the co-accused persons, had planned the robbery and that his specific role was to arrange a country-made pistol, which he initially used to threaten the deceased. However, he not only threatened the deceased but also fired at him, which ultimately resulted in the death of the victim. It is further argued that the country-made pistol was recovered from the possession of the applicant, along with a sum of ₹1,21,000/- in cash, being part of the looted amount. It is also stated that the FSL ballistic report also supports the case of prosecution. It is further contended that the CCTV footage also establishes the presence of the applicant at the spot at the time of the incident. On these grounds, it is prayed that the applicant/accused be not enlarged on bail.

6. This Court has **heard** arguments addressed by the learned counsel for the applicant/accused and the learned APP for the State, and has perused the material on record.

7. The role attributed to the present applicant/accused is that, in furtherance of a criminal conspiracy with the other co-accused persons, he had participated in the planning of the robbery and, pursuant thereto, was present at the spot at the time of the incident. It is alleged that he had fired at the complainant, while forcibly snatching a bag containing money, as a result of which the complainant had sustained fatal injuries and subsequently succumbed.

8. It is pertinent to note that the presence of the present applicant at the spot is *prima facie* corroborated by the CCTV footage, which shows him on a motorcycle along with the other co-accused persons, and he was wearing a helmet at the time of the incident.



9. It is further material to note that a country-made pistol, along with the looted amount of ₹1,21,000/- in cash, was recovered from the residence of the present accused/applicant. Further, the said country-made pistol was sent for examination to the FSL, and the ballistic report revealed that the empty cartridge recovered from the crime scene was found to have been fired from the same country-made pistol. The ballistic report mentions as under:

“6. The individual characteristics of breech face marks present on evidence cartridge case marked exhibit 'EC1' and on test fired cartridge cases marked as 'TC1' & 'TC2' were examined and compared under the Comparison Microscope model Leica DMC and were found identical. Hence, the evidence cartridge case marked exhibit 'EC1' has been fired through the assembled improvised pistol 7.65mm caliber marked exhibit 'F1' above.

7. The individual characteristics of rifling marks present on evidence bullets marked exhibits 'EB1' & 'EB2' and on the test fired bullets marked as 'TB1' & 'TB2' were examined and compared under the Comparison Microscope model Leica DMC and were found identical. Hence, the evidence bullets marked exhibits 'EB1' & 'EB2' have been discharged through the assembled improvised pistol 7.65mm caliber marked exhibit 'F1' above.”

10. As regards the argument that co-accused Shawvej @ Sheru and Nasir have already been enlarged on bail *vide* orders dated 29.11.2016 and 11.01.2017 respectively, this Court is of the view that the role attributed to the present applicant is materially distinct from that of the other co-accused persons, inasmuch as he is alleged to have fired the fatal shot at the deceased during the commission of the robbery.

11. This Court also notes that as per the Nominal Roll, the applicant herein has been previously involved in ten criminal cases, out of which he has been discharged in one case and acquitted in another, while the remaining eight cases registered in Ghaziabad, Uttar Pradesh, are still pending against him. Further, as per Status Report, the applicant has been



involved in 14 cases of similar nature in Delhi.

12. The Hon'ble Supreme Court in *X v. State of Rajasthan: 2024 SCC OnLine SC 3539* has categorically held that in cases involving heinous and grave offences, the Courts must exercise extreme caution while considering bail applications once the prosecution starts recording its evidence. The relevant observations of the Supreme Court are reproduced hereinbelow.

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

13. Considering the overall facts and circumstances of the present case and that the ballistic report has confirmed that the empty cartridge found on the spot of the commission of the offence, this court is not inclined to grant regular bail to the applicant/accused.

14. Accordingly, the present application is dismissed.

15. It is clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

16. However, the learned Trial Court is requested to expedite the recording of evidence in the present case, and endeavour to conclude the trial within a period of six (06) months from the date of receipt of this order.

17. Copy of this order be forwarded to the concerned Trial Court *forthwith* for necessary information and compliance.

18. The order be uploaded on the website *forthwith*.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 10, 2026/RB/TD



This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

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