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

+ **BAIL APPLN. 3109/2024**

HIMANSHU

.....Petitioner

Through: **Mr. Ankit Tandon, Advocate.**

versus

THE STATE NCT OF DELHI

.....Respondent

Through: **Mr. Tarang Srivastava, APP with
SI Vinay Kumar.**

**Mr. Mohan Singh, brother of the
deceased.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **17.02.2026**

1. The petitioner seeks regular bail in connection with FIR No. 312/2019 dated 27.08.2019, registered at Police Station Farsh Bazar, District Shahdara, New Delhi, under Sections 307/34 of the Indian Penal Code, 1860 ["IPC"], read with Sections 25/27 of the Arms Act, 1959. Although the FIR was registered under Section 307, the victim thereafter died, and the petitioner is standing trial for offences punishable under Sections 302/307/34 of the IPC, read with Sections 25/27 of the Arms Act, 1959.
2. The prosecution has filed two status reports before this Court, dated 26.09.2024 and 03.11.2025.
3. I have heard Mr. Ankit Tandon, learned counsel for the petitioner, Mr. Tarang Srivastava, learned Additional Public Prosecutor, and Mr. Mohan Singh, brother of the deceased, who appears in person.



4. The facts of the case, as emerging from the status report, are as follows:

- a. A PCR call was received on 27.08.2019, regarding firing of a bullet on the caller's brother. The injured was found to have been shifted to Guru Teg Bahadur Hospital, New Delhi. The Medico-Legal Certificate recorded a reported history of fire arm injury.
- b. The statement of the injured – Pawan @ Pammi was recorded, stating that the petitioner and others [Abhishek @ Golu and Anwar @ Munni] had come towards his house when he was standing outside with his brother. Upon his refusal to go with them on their motorcycle, the petitioner pointed a pistol at him. When his brother tried to rescue him, the pistol was pointed at his brother. They tried to run from the spot. The petitioner opened fire, and Pawan was hit by a bullet.
- c. The statement of one eyewitness was also recorded.
- d. A bullet was removed from the body of the injured. The ballistic report matched the bullet with a pistol recovered from the petitioner.
- e. The injured – Pawan died on 30.08.2019, as a result of which, Section 302 of the IPC was added to the present case.
- f. The accused – Abhishek @ Golu was arrested on 31.08.2019. He disclosed that the incident arose from a dispute with regard to taking petrol from the scooty of one of the accused persons.
- g. The petitioner was arrested on 01.09.2019. The weapon and three cartridges were recovered from him.
- h. The third accused, Anwar @ Munni, was arrested on 13.09.2019.



- i. The postmortem report of the deceased states the cause of death as:
“Septicemia shock as a result of antemortem infection of multiple internal organs as a result of antemortem injury to abdomen produced by projectile of firearm..”
5. In support of the present application, Mr. Tandon submits that:
 - a. The petitioner has already been in judicial custody in connection with the present case for a period of 6 years and 5 months.
 - b. 16 out of 31 witnesses have been examined, including all public witnesses. Several of the public witnesses have, in fact, turned hostile.
 - c. Out of the four accused, two are on bail, and one has died. The petitioner is the only one who remains in custody. He has drawn my attention to the orders dated 13.09.2023 and 06.05.2024, by which the co-accused, Anwar @ Munni and Abhishek @ Golu, were granted bail.
6. Mr. Srivastava, however, submits that:
 - a. The petitioner is the person who is alleged to have shot the deceased.
 - b. The weapon was recovered from the petitioner's possession, and the ballistic report also establishes that the shots were fired from his pistol.
 - c. The call detail record shows that the petitioner was present at the location of the incident at the relevant time, and that PW-1, who is the brother of the deceased, has deposed as per the prosecution case.
7. Mr. Mohan Singh, the brother of the deceased, submits that one of



the co-accused, who has been granted bail, threatened him in the year 2023, in respect of which he had made a complaint to the concerned police station.

8. As far as the complaint of Mr. Mohan Singh is concerned, Mr. Srivastava draws my attention to the status report dated 03.11.2025, wherein it has been stated that a Non-Cognizable Report No.139/2023 dated 19.12.2023 was registered, but there was no audio recording, and Mr. Mohan Singh did not have the details of the mobile number from which he received the calls. He has also been given the mobile number of the Beat Constable and the Station House Officer, so that he may contact them in the event of any further threat. Mr. Mohan Singh confirms that no further complaint has been made.

9. Although the charges made out in this case are grave – the petitioner is facing trial under Section 302 of the IPC – I am of the view that the present case is a fit one for granting bail to the petitioner at this stage, having regard to the following:

- a. The total undertrial period, as recorded in the Nominal Roll, as on 28.09.2024, was 5 years and 25 days. The petitioner has thus already spent approximately 6 years and 5 months in custody.
- b. There are still a number of witnesses to be examined. Only 16 witnesses have been examined out of a total of 31.
- c. However, the public witnesses have all been examined. In fact, by order dated 13.09.2023, on the application of Anwar @ Munni, the learned Sessions Court recorded as follows:

“7. This Court has gone through the testimony of PW-1 to PW-6 including the testimony of eye-witness/PW-1 Mohan Singh and PW-3 Bijender Kumar. Although appreciation of the



deposition of the witnesses is not permissible at this stage of the trial, this Court cannot be oblivious of the substance of the evidence recorded in the present case. While PW-1 did not name the accused/applicant as one of the assailants, PW-3 did not name the accused/applicant at all.”

- d. Mr. Srivastava has also pointed out that the Nominal Roll reveals three prior involvements of the petitioner for offences punishable under Sections 324/34 of the IPC [FIR No. 157/2019, registered at Police Station M.S. Park], Section 27 of the Arms Act, 1959, read with Section 336 of the IPC [FIR No. 311/2019, registered at Police Station Vivek Vihar], and Sections 25/27 of the Arms Act, 1959, read with Sections 336/34 of the IPC [FIR No. 412/2018, registered at Police Station Anand Vihar]. Having regard to the long period already spent in custody, I am of the view that the prior involvements are not sufficient to deprive the petitioner of liberty at this stage. It has been held by the Supreme Court, in *Prabhakar Tewari v. State of Uttar Pradesh and Anr.* [(2020) 11 SCC 648], that prior involvements alone may not always lead to denial of bail.
- e. As far as the allegations of threats received by Mr. Mohan Singh are concerned, the allegation in this regard was made against a co-accused, Abhishek @ Golu. The petitioner has been in judicial custody throughout this period. The allegation against Abhishek @ Golu was also made in the year 2023, and no further complaint has been received. I am, therefore, not inclined to decline bail to the petitioner on this ground. However, the updated telephone number of the Investigating Officer, Beat Constable, and Station House Officer, be provided to Mr. Mohan Singh so that they can be



contacted in the event of any exigency.

10. For the aforesaid reasons, the petitioner is admitted on regular bail in connection with FIR No. 312/2019 dated 27.08.2019, registered at Police Station Farsh Bazar, District Shahdara, New Delhi, under Sections 307/34 of the IPC, read with Sections 25/27 of the Arms Act, 1959, subject to furnishing a personal bond in the sum of Rs. 20,000/-, and one surety in the like amount, to the satisfaction of the concerned Trial Court/concerned Metropolitan Magistrate, and subject to the following further conditions:

- a. The petitioner shall provide his mobile number to the Investigating Officer/Station House Officer, which he shall keep operational and on which he shall remain available. The mobile number shall not be changed or switched off without prior intimation to the Investigating Officer.
- b. The petitioner shall provide his residential address to the learned Trial Court and the Investigating Officer/Station House Officer, and shall not change his place of stay without intimation to the Investigating Officer/Station House Officer.
- c. The petitioner shall not contact the deceased's family or any other witness. He shall not directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case, nor shall he tamper with the evidence or attempt to influence any witness in any manner whatsoever.
- d. The petitioner shall appear before the learned Trial Court on each and every date fixed.
- e. The petitioner shall report to the Investigating Officer once every



alternate Monday at 4:30 PM. The petitioner shall be released within one hour after completion of all necessary formalities.

f. The petitioner shall not commit any offence during the period of his release.

11. The application stands disposed of in the aforesaid terms.

12. A copy of this order be communicated to the concerned Jail Superintendent for necessary information and compliance.

13. It is clarified that the observations made in this order are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

FEBRUARY 17, 2026

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