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

+ **BAIL APPLN. 4277/2025**

HIMANSHU@ SONU

.....Applicant

Through: Mr. Siddharth Kapoor, Mr.
Hitkamini Gupta, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP.
SI Mohit Singh.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **02.04.2026**

1. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of regular bail in connection with FIR No. 565/2024 dated 28.08.2024, registered at Police Station Burari, District North, Delhi, under Sections 310(2)/311/61(2) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"] and Sections 25/27 of the Arms Act, 1959.

2. I have heard Mr. Siddharth Kapoor, learned counsel for the applicant, and Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor for the State. Mr. Chauhan has handed over a status report, which is taken on record.

3. By order dated 11.11.2025, the Investigating Officer ["IO"] was directed to inform the complainant/victim that he is entitled to be heard in the present proceedings. Mr. Chauhan, on instructions from the IO, submits that, pursuant to the said order, the victim was duly informed about the pendency of the present proceedings. The victim, however, remains unrepresented today.



4. The FIR was registered on the basis of a complaint alleging that, on 27.08.2024 at around 9:00 PM, the complainant and his friends were present near a kirana store at Pearl Apartment, Shanti Devi Wali Gali, Labour Chowk, Burari, Delhi. At that time, five persons arrived on two motorcycles, out of whom four approached the complainant and his friends and assaulted the complainant and one of his friends. A physical altercation ensued, during the course of which one of the accused brandished a pistol, pointed it at the complainant's head, and fired. Another accused pointed a knife at one of the complainant's friends. It is further alleged that five mobile phones and a wallet were stolen from the complainant and his friends before the accused fled from the spot.

5. Four persons have been arrested in connection with the aforesaid FIR, including the applicant, a Child in Conflict with Law ["CCL"], and two others. One of them - Shiv @ Prasant @ Rishabh, who is the brother of the present applicant - has been released on bail, by order dated 20.12.2024 passed by the learned Sessions Court.

6. It is also stated in the status report that the accused were arrested on the basis of CCTV footage, in which a motorcycle bearing registration No. DL12SF5843 was identified. It is further stated that a Test Identification Parade ["TIP"] of the applicant and the co-accused Sunny@Vishnu was conducted in Tihar Jail and Mandoli Jail, in which Sunny@Vishnu was identified by two of the victims.

7. Mr. Kapoor submits that the applicant was arrested on 04.09.2024 and has remained in judicial custody for a period of about one year and seven months. As regards the proceedings before the learned Trial Court, Mr. Kapoor states that charges are yet to be framed. He has handed over



to the Court a printout from the e-Courts website, which is taken on record. It reflects that the matter has been at the stage of arguments on charge since 10.12.2024. I am further informed that the next date of hearing for the said purpose is 28.04.2026. Mr. Kapoor submits that there is no material whatsoever to link the applicant with the present offence, as the applicant has not been identified in the TIP and is also not identifiable in the CCTV footage.

8. Mr. Chauhan, however, submits that, having regard to the gravity of the offence and the stage of the proceedings, the appropriate course would be to expedite the trial, rather than release the applicant on bail. Mr. Chauhan has also referred to one other criminal involvement of the applicant in FIR No. 491/2023 registered at Police Station Jahangirpuri, under Sections 146/147/148/149/307/120B of the IPC and Section 25 of the Arms Act, 1959.

9. Mr. Kapoor, on instructions from the family members of the applicant, submits that the applicant is on bail in connection with the aforesaid FIR.

10. Having heard learned counsel for the parties, I am of the view that this is a fit case for grant of bail to the applicant. The applicant was not identified in TIP proceedings. As regards the CCTV footage, although its appreciation is a matter for trial, at this stage even the Investigating Officer is not able to clearly identify the accused. Although the accused have been charged with offences under Sections 310 and 311 of the BNS, which are punishable with life imprisonment, Section 310 requires the involvement of five or more persons, whereas in the present case only four persons have been named in the chargesheet. The applicant has



already been in custody for a period of over one year and seven months. While the proceedings have remained at the stage of charge since 10.12.2024, the possibility of an early conclusion of the trial also appears remote.

11. As far as the other criminal involvement of the applicant is concerned, in *Prabhakar Tewari v. State of Uttar Pradesh and Anr.* [(2020) 11 SCC 648], the Supreme Court held that prior involvements do not, by themselves, necessarily require that bail be denied to an accused. Having regard to the stage of proceedings in the present case and the *prima facie* material on record, I do not consider it appropriate to further deprive the applicant of his liberty on this ground.

12. In these circumstances, it is directed that the applicant be released on bail in connection with FIR No. 565/2024 dated 28.08.2024 registered at Police Station Burari, District North, under Sections 310(2)/311/61(2) of the BNS and Sections 25/27 of the Arms Act, 1959, subject to furnishing of a personal bond in the sum of Rs.20,000/-, with one surety in the like amount, to the satisfaction of the concerned Trial Court/Duty Metropolitan Magistrate, and subject to the following further conditions:

- a. The applicant shall appear before the Sessions Court on each and every date of hearing;
- b. The applicant shall furnish his permanent address to the concerned IO/Station House Officer [“SHO”], as well as the address at which he is residing during the pendency of the case, and shall, in the event of any change in his residential address, promptly intimate the IO/SHO and file an affidavit before the Sessions Court;



- c. The applicant shall provide his mobile number to the concerned IO/SHO, which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;
 - d. The applicant shall not, directly or indirectly, contact, visit, or offer any inducement, threat, or promise to any prosecution witnesses or other persons acquainted with the facts of the case;
 - e. The applicant shall not, directly or indirectly, tamper with evidence or engage in any act or omission that could prejudice the proceedings of the pending trial;
 - f. The applicant shall not leave the country without prior permission of the Sessions Court;
 - g. The applicant shall not commit any offence during the period of his release.
13. The bail application is disposed of in terms of the above.
14. It is clarified that the observations made in the present 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.
15. A copy of this order be sent to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

APRIL 2, 2026
SS/JM/