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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 5088/2025 & CRL.M.A. 39021/2025 & CRL.M.A. 39022/2025**
DEEPAK DAHIYAPetitioner

Through: Mr. Sachin Kaushik, Advocate
(through V.C.).

versus

STATE OF NCT OF DELHIRespondent
Through: Ms. Priyanka Dalal, APP for the State
with SI Daya Ram.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
17.02.2026

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1. The applicant seeks anticipatory bail in FIR No.734/2025 dated 07.11.2025 for commission of offences under Section 109(1)/3(5) of *Bharatiya Nyaya Sanhita, 2023* (corresponding section 307/34 IPC) and under Section 27 of Arms Act, 1959, registered at P.S. Narela.
2. As per the status report placed on record, police had received information about one incident in which gunshot was fired and, when they reached the spot, they learnt that the injured/complainant had been shifted to hospital. The police, then, reached *Satyawadi Raja Harish Chandra Hospital* where complainant-Arbaz was found admitted in hospital, with injury of gunshot. His immediate statement could not be recorded as he was under treatment and, once he was declared fit, then his statement was recorded, in which he, specifically, claimed that Sahil had a pistol which he was hurling in the air. There was some scuffle between him i.e. complainant-Arbaz and Zakir. Sahil, claiming that he would finish him today (*'aaj iska kaam tamam karta hu'*), aimed the pistol towards Arbaz. Arbaz was able to catch hold of

BAIL APPLN. 5088/2025

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Sahil's hand and, it was in the abovesaid situation, when the trigger was pressed by Sahil, the bullet hit on the right thigh of Arbaz. FIR does not whisper anything about Deepak.

3. The first statement given by complainant-Arbaz, which resulted in registration of FIR, was, though, quite exhaustive one, it does not contain any reference about the presence or involvement of applicant-Deepak Dahiya.

4. It was only when supplementary statement of Arbaz was recorded after around 12 days that he claimed that Deepak had also accompanied the abovesaid two accused persons i.e. Sahil and Zakir, and shot was fired by Sahil, on the exhortation of Deepak.

5. When the present bail application of Deepak was taken up by the learned Predecessor Bench, while taking note of various facts and circumstances, it was ordered that subject to his joining and co-operating with the investigation, he may not be arrested.

6. I.O.- SI Daya Ram submits that applicant-Deepak was, thereafter, called for investigation and has, since, joined the investigation, *albeit*, according to him, he has not revealed true and complete facts.

7. Learned counsel for complainant is also present and opposes the bail application.

8. Admittedly, injuries were also received by all the three accused in present case i.e. Sahil, Deepak and Zakir, and on the basis of their statements, a cross-FIR was registered i.e. FIR No.732/2025.

9. When asked, learned counsel for complainant, in all fairness, admitted that anticipatory bail filed by the Arbaz in the cross-FIR has been dismissed by the Court of Sessions and anticipatory bail application has now been filed by him before this Court which is listed for 02.04.2026. She submits that the



two other co-accused persons in the cross-FIR are already in judicial custody.

10. This Court cannot be oblivious of the fact that co-accused-Zakir, who had been, specifically, named in FIR has already been released on anticipatory bail by Coordinate Bench of this Court.

11. Here, as noted already, the name of Deepak is conspicuously missing in FIR.

12. Applicant is, reportedly, 24 years of age, with no previous involvement.

13. Keeping in mind the overall facts of the case, and without making any observation with respect to the merits of the case, the interim order is made absolute and it is directed that, in the event of his arrest, applicant-Deepak would be released by SHO/IO/arresting officer, on his furnishing personal bond and surety bond in a sum of Rs.25,000/- each.

14. Needless to say, applicant-Deepak shall continue to co-operate and would join the investigation, as and when so directed. In case any instance of violation of the abovesaid condition is brought to the notice of the Court, it may result in cancellation of bail.

15. Application is, accordingly, disposed of.

16. Pending applications also stand disposed of.

MANOJ JAIN, J

FEBRUARY 17, 2026/ss/pb



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