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

+ BAIL APPLN. 56/2026

PRAVESH RATHEE @ PULKITApplicant

Through: Mr. D.V. Goyal, Advocate

versus

THE STATE GOVT. OF

NCT OF DELHI

.....Respondents

Through: Ms. Manjeet Arya, APP for the
State

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **10.04.2026**

1. The applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], in connection with FIR No. 967/2024 dated 06.11.2024 registered at Police Station Paschim Vihar West, Outer District, Delhi. The FIR was originally registered under Sections 324(6)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], alongwith Section 27 of the Arms Act, 1959 ["Arms Act"]. Subsequently, the offences under Sections 61(2)/109(2) of the BNS have also been added.

2. I have heard Mr. D.V. Goyal, learned counsel for the applicant, and Ms. Manjeet Arya, learned Additional Public Prosecutor for the State. The complainant, Mohd. Sirtaz, who was served with notice pursuant to the order dated 08.01.2026, has entered appearance through video conference. He states that he does not wish to make any independent submissions and supports the case advanced by Ms. Arya. Ms. Arya has also filed a status report, which is taken on record.

3. The prosecution case, as emerging from the status report, is as



follows:

- A. On 03.11.2024, the owners of a shop by the name of Rajmandir Hypermarket, Guru Harkishan Nagar, Paschim Vihar, Delhi, namely Mr. Suresh Mittal and Mr. Pradeep Mittal, lodged a complaint stating that they had received an extortion call on their mobile phones and WhatsApp, demanding a sum of Rs. 5 crores as protection money, and threatening attacks on their residence and workplace. Pursuant to their complaint, FIR No. 966/2024 was registered on 05.11.2024 at P.S. Paschim Vihar West under Section 308(2) of the BNS.
- B. The present FIR came to be registered on 06.11.2024 at the instance of Mohd. Sirtaz, Manager of Rajmandir Hypermarket. He stated that on 06.11.2024 at about 2:15 PM, three persons came to the store on a black motorcycle and fired several gunshots at the store while he was sitting at the counter. When he came out, he saw that unknown persons had fired at the glass door of the store. Two persons committed the offence by firing at the store, while one of them remained with the motorcycle on the other side of the road. The police recovered ten empty cartridges and two fired leads from the spot.
- C. It is alleged that the present applicant is one of the three persons involved in the incident. All three remained on the opposite side of the road for about 20 minutes, after which the two other co-accused are stated to have crossed the road and committed the aforesaid offence. The images of the co-accused have been captured on CCTV at the store, whereas the place where the applicant was allegedly stationed across the road, was not covered by any CCTV footage.



D. The applicant is sought to be linked with the offence on the basis of CCTV footage on the route taken by the accused while returning after committing the offence. It is alleged that the applicant was driving the motorcycle (bearing registration No. HR-13P-8879), while the two co-accused were pillion riders. The co-accused have been identified by matching their clothes with the CCTV footage at the place of occurrence. The identity of the applicant is based on information received from informers and the disclosure statement of co-accused Shivam.

E. The applicant was arrested on 29.11.2024.

4. Mr. Goyal submits that the FIR was originally registered under Sections 324(6)/3(5) of the BNS and Section 27 of the Arms Act, Section 61(2) of the BNS was added in the first chargesheet, and Section 109(2) of the BNS was subsequently added in the supplementary chargesheet, in which the said offence is stated to be made out against the co-accused. He submitted that the applicant has already been in judicial custody for a period of one year four months and charges are yet to be framed. There is no proximate CCTV footage or other forensic evidence which connects the applicant with the offence. Mr. Goyal also seeks parity with the case of co-accused Ashish, who was granted bail by this Court dated 25.09.2025 in BAIL APPLN. 2945/2025.

5. Ms. Arya accepts that Section 109(2) of the BNS was not included in the original FIR or the first chargesheet that was filed. However, she submits that charges are yet to be framed in the matter and the motorcycle in question was identified by way of CCTV footage, which belongs to the applicant's uncle and was recovered from the applicant. She submits that



the prosecution relies upon common intention of the party in committing the offence. Ms. Arya also draws my attention to two other criminal involvements of the applicant, including another FIR registered against him and the co-accused on the same date.

6. Having heard learned counsel for the parties, I am of the view that, in the facts and circumstances of the present case, it is appropriate to release the applicant on bail. At the outset, it may be noted that the investigation is complete and the chargesheet has been filed. The applicant has already been in judicial custody for a period of approximately one year and four months.

7. While Ms. Arya rightly submits that charges are yet to be framed, even according to the prosecution case, the applicant is not one of the two persons who entered the store or used any firearm. While this is not the stage for conducting a mini trial, it is not even the prosecution case that the applicant has been identified on the basis of CCTV footage at the location of the incident, or in its immediate proximity. The CCTV footage upon which the prosecution relies merely shows the applicant and two co-accused riding a motorcycle. Ms. Arya confirms, upon instructions from the Investigating Officer [“IO”], who is present in Court, that the said CCTV footage was recorded at a location approximately five kilometers from the place of the incident.

8. While specification of the offences with which the applicant is to be charged, and the appreciation of evidence, thereafter, are matters for the Trial Court, it may be noted that in the original chargesheet, in which the applicant is named as an accused, Section 109(2) of the BNS was not included. The other offences carry a maximum sentence of seven years.



Section 109(2) has been introduced in the supplementary chargesheet, based on a statement of the complainant, which refers only to the two individuals who allegedly committed the act of firing in the store.

9. As far as the applicant's other criminal involvements are concerned, the two other FIRs were registered after the subject FIR, one of them on the same day [FIR No. 407/2024] and the other 20 days thereafter [FIR No. 688/2024]. The applicant has already been granted regular bail in both those cases. It has been held by the Supreme Court, in *Prabhakar Tewari v. State of Uttar Pradesh and Anr.* [(2020) 11 SCC 648] that other criminal involvements do not necessarily require that an accused be denied the concession of bail during trial.

10. Having regard to the above factors, I am of the view that his continued incarceration pending trial is not appropriate.

11. It is, therefore, directed that the applicant be released on regular bail in connection with FIR No. 967/2024 dated 06.11.2024, registered at Police Station Paschim Vihar West, Outer District, Delhi, subject to furnishing a bail bond in the sum of Rs. 50,000/- with one surety of the like amount, to the satisfaction of the Trial Court/Duty Magistrate, and subject to the following 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.
12. The bail application is disposed of in terms of the above.
13. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.
14. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

APRIL 10, 2026/‘da/JM’