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

+ **BAIL APPLN. 63/2026**

SHARWAN KUMAR

.....Petitioner

Through: Mr. Sandeep S. Tiwari, Ms. Tenzing
Doma Lepcha, Ms. Shingying Kristy,
Mr. Manjul Kumar Tiwari and Mrs.
Rekha S. Tiwari, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with Inspector Jaibir, Special Cell,
NR & STF

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

09.03.2026

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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. 63/2014, registered at Police Station Special Cell, New Delhi, for the commission of offences punishable under Sections 3/4 of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA').

2. Briefly stated, the facts of the present case are that on 05.11.2014, acting on secret information, a raiding party of the Special Cell, Rohini, Delhi Police chased a Scorpio vehicle bearing registration no. DL-4CNB-8143 travelling from Rithala towards Sultanpur Dabas, Delhi. The police team intercepted the vehicle near the Helipad at Sector-32, Rohini and



directed the occupants to surrender. However, two of the occupants, i.e. co-accused Rajesh Bawania @ Karambir and Ravi @ Lamba, allegedly opened fire at the police party in order to deter them from pursuing the vehicle. In response, Inspector Sanjay Nagpal and Inspector Brahmjeet Singh fired one round each from their service weapons in exercise of their right of private defence, after which five accused persons were apprehended at the spot. On the complaint of Inspector Sanjay Nagpal, FIR No. 53/2014 dated 05.11.2014 was registered under Sections 186/353/307/34 of the Indian Penal Code, 1860 (hereafter '*IPC*') read with Sections 25/27 of the Arms Act at PS Special Cell, Delhi.

3. During investigation, it was revealed that co-accused Rajesh @ Karambir, along with his associates including the present applicant/accused Sharwan Kumar, had been involved in organised criminal activities since 2005 as part of a criminal syndicate for pecuniary gain. Consequently, the present FIR was registered on 26.12.2014 against Rajesh @ Karambir, Lalit @ Laden, Ravi Dahiya and the present applicant after obtaining prior approval from the competent authority. The applicant/accused Sharwan Kumar, who was lodged in Faridabad Jail, Haryana, was formally arrested in the present MCOCA case on 15.05.2015. It is stated that he, along with co-accused Rajesh @ Karambir, is facing trial in the said case. It is further alleged that the applicant/accused is an active member of the gang led by co-accused Rajesh @ Karambir and has been involved in criminal activities carried out under his directions.

4. The learned counsel appearing on behalf of the applicant/accused argues that the essential ingredients required for the invocation of the



provisions of MCOCA are not satisfied in the present case, especially insofar as the present applicant is concerned, and no offence under Sections 3 and 4 of the MCOCA is made out against the applicant. It is further argued that the provisions of the MCOCA cannot be invoked against the applicant, as in the cases relied upon for invoking the said provisions, the applicant herein has either been acquitted or discharged. It is further contended that the applicant has been in judicial custody for more than 10 years in relation to the present case. The learned counsel further also admits that he has recently been appointed as private counsel for the applicant and earlier, the applicant was represented by a legal aid counsel, who did not take much effort in advancing the case of the applicant. Therefore, it is prayed that the applicant/accused be enlarged on bail.

5. *Per contra*, the learned APP for the State argues that the applicant herein has been involved in several serious criminal cases, including offences such as robbery, extortion and attempt to murder. It is further argued that the applicant has previous involvement in about 20 cases, out of which he has been convicted in about five cases, including two cases where he has been sentenced to life imprisonment. It is also argued that out of the total 27 witnesses cited by the prosecution, only two witnesses remain to be examined and the trial is at its fag end. In view of the above circumstances, it is prayed that the applicant should not be enlarged on bail.

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

7. In the present case, the applicant/accused is alleged to have been a



member of a crime syndicate led by the co-accused, Rajesh @ Karambir. The record further indicates that the applicant/accused, along with the co-accused persons, has been involved in several criminal cases, including cases pertaining to offences such as attempt to murder, robbery, and dacoity.

8. It is also pertinent to note that at the time of filing chargesheet in the present case, the applicant herein was stated to be involved in a total of 21 cases, out of which, in 09 cases, he was co-accused along with the Rajesh @ Karambir. Notably, *out of these 09 cases, the applicant herein has **pleaded guilty** in 02 cases*, i.e. FIR No. 349/2007 registered for offence under Sections 324/506/34 of IPC at P.S. Bawana, Delhi, and FIR No. 113/2010 registered for offence under Sections 382/394/120B of IPC at P.S. S.P. Badli, Delhi.

9. This Court further notes that the applicant herein also stands convicted in the following cases:

(i) FIR No. 218/2010, registered at P.S. Sadar, Bahadurgarh, Haryana, for the commission of offences punishable under Sections 302/307/120B/216 of IPC and Section 25 of the Arms Act, wherein he was sentenced to life imprisonment *vide* judgment dated 30.07.2014; and

(ii) FIR No. 283/2014, registered at P.S. Bhondsi, Gurugram, Haryana, for the commission of offences punishable under Sections 148/149/323/324/ 302/303/120B of IPC, wherein he was sentenced to life imprisonment *vide* judgment dated 30.08.2019.

10. It is further relevant to note that, as per the status report filed by the State before the Trial Court, the co-accused, Pradeep @ Dhaula @ Pradhan,



had earlier been granted interim bail, and during the said period, he allegedly committed the murder of a person residing in his village. Similarly, another co-accused, Ravi Dahiya @ Lamba, was also released on interim bail but subsequently absconded and was declared a Proclaimed Offender in the present case. During that period, he was found to be involved in a murder in his village. It is also noted that the co-accused, Rajesh @ Karambir, had allegedly murdered a member of the rival gang of Sunil Maan @ Tillu while lodged in Tihar Jail. Thus, the contention of the State, that there exists a reasonable apprehension that, if released on bail, the present applicant/accused may also indulge in similar criminal activities, is also merited.

11. At this stage, it is apposite to note that Section 21(4) of the MCOCA imposes twin conditions for grant of regular bail – i.e. the material on record must disclose reasonable grounds for believing that the accused is not guilty of the offence alleged, and that the accused is not likely to commit any offence while on bail.

12. In the facts and circumstances of the case, this Court is of the view that there are no reasonable grounds to believe that the applicant is not guilty of the offence alleged under the MCOCA, for the purpose of grant of bail.

13. Further, it is relevant to note that the trial in the present case is at the fag end and is likely to conclude shortly, as only two prosecution witnesses remain to be examined. Therefore, for the reasons recorded hereinabove, and considering the facts and circumstances of the case, this Court is not inclined to grant regular bail to the applicant/accused.

14. However, the learned Trial Court is directed to expedite the trial and



endeavour to conclude the same within a period of six months. In the event the trial is not concluded within the said period, the applicant/accused shall be entitled to move a fresh application seeking grant of regular bail.

15. The bail application is disposed of with above directions.

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

17. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 09, 2026/ns

T.D./rb