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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 07.01.2026*

+ **BAIL APPLN. 4322/2025 & CRL.M.A. 33460/2025**

RAKESH@ RAKA@ PEHLWANPetitioner

Through: Mr. Anup Kr. Das, Ms. Ishita Singh
and Ms. Prachi Sharma, Advocates.

versus

STATE GOVT OF NCT OF DELHIRespondent

Through: Mr. Ajay Vikram Singh, APP for
State with ASI Ravinder Singh.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No.262/2021 of PS Narela Industrial Area for offence under Section 307/506/34 IPC and 25/54/59 Arms Act.

2. I have heard learned counsel for accused/applicant and learned APP assisted by IO/ASI Ravinder Singh.

3. The prosecution case as culled out of the FIR is as follows. On 02.05.2021 at about 04:45pm, the complainant *de facto* was waiting for his friend on a scooty, and at that time two boys came on a motorcycle and the boy sitting pillion on the motorcycle got down. The said boy threatened to



kill the complainant *de facto* and took out pistol. When he was trying to cock the pistol, the complainant *de facto* left his scooty and ran inside the house of one Rajat, from where he called the police. Thereafter, he came back to the spot and found a live cartridge.

4. Learned counsel for accused/applicant submits that the accused/applicant is innocent and has been falsely implicated in this case. It is submitted that nothing incriminating has been recovered from the accused/applicant and that even the Test Identification Parade was carried out almost one and a half year after the alleged incident, during which period the accused/applicant was in jail in connection with some other case, so the TIP is not reliable. It is also argued that there is no material to connect the accused/applicant with the alleged incident. Further, it is argued that even if prosecution case is believed, no offence is made out since mere cocking of pistol does not amount to attempt to commit culpable homicide and admittedly, the alleged pistol was never recovered in order to connect the same with the live cartridge allegedly recovered from the spot.

5. Learned APP in all fairness submits that the learned trial court has already discharged the accused/applicant of offence under Section 307 IPC and against the co-accused, the complainant *de facto* has filed a revision petition. Learned APP has also shown me the CCTV footage of the alleged incident. It is also fairly stated by learned APP on instructions of the IO that the accused/applicant is not the person who was cocking the pistol, but he is



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the person who was driving the motorcycle.

6. Admittedly, registration number of the motorcycle allegedly driven by the accused/applicant was not noted by the complainant *de facto*. There is no clear material on record to connect the accused/applicant with the alleged offence. The live cartridge allegedly recovered from the spot cannot be connected with any weapon since the pistol allegedly cocked by co-accused has not been recovered.

7. Considering the above circumstances, I find no reason to deprive the accused/applicant liberty any further.

8. Therefore, the application is allowed and it is directed that the accused/applicant be released on bail subject to his furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned trial court. Accompanying application stands disposed of.

9. Copy of this order be sent to concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

JANUARY 7, 2026/ry