



2026:DHC:109



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 08.01.2026*+ **BAIL APPLN. 60/2026 & CRL.M.A. 550/2026**

ISHANT@PRASHANT@BHURA

.....Petitioner

Through: Mr. Nishant Mandal, Mr. Mohit
Kumar and Mr. Arun Kumar Yadav,
Advocate

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Vipin

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 490/2025 of PS Wazirabad for offence under Section 109(1)/78/351(3) of BNS and Section 25/27 Arms Act. Learned APP, assisted by SI Vipin, files status report dated 08.01.2026. The same be scanned and made part of record. IO of the case SI Heera Lal has opted not to appear to assist the prosecution.

2. Broadly speaking, according to the prosecution case, on 01.07.2025, at about 02:00am, the complainant *de facto* heard commotion outside his house so he came to the balcony and saw co-accused Shibu standing outside carrying a pistol and he fired twice at the complainant *de facto* with the



intention to kill but the complainant *de facto* ran inside and saved himself. After that Shibu went away. The local police, on arriving at the spot found two empty shells and bullet dents on steel railing and ceiling of the house.

3. According to prosecution, further investigation revealed that at the time of occurrence the accused/applicant was present on the spot and that it is the accused/applicant who had supplied the pistol to Shibu.

4. Learned counsel for accused/applicant submits that the accused/applicant has been falsely involved in this case. It is contended that the alleged presence of the accused/applicant at the time of occurrence is deduced by the prosecution solely on the basis of Call Detail Records of mobile phone of the accused/applicant, but that cannot be incriminating evidence, moreover the same pertains to the mobile tower which covers a large area. As regards the supply of pistol to Shibu, it is contended by learned counsel for accused/applicant that the same was deduced on the basis of confessional statement in police custody, which is completely inadmissible evidence and not even disclosure statement because the same did not lead to any recovery.

5. In the backdrop of above submissions, I examined the entire record including the status report filed just now. Apart from the alleged presence of the accused/applicant on the spot of occurrence, there is no other incriminating evidence against the accused/applicant. Therefore, I find no reason to further deprive the accused/applicant liberty.

6. The bail application is allowed and accused/applicant is directed to be



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released on bail subject to his furnishing a 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 also stands disposed of.

7. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

JANUARY 8, 2026/as