



2026:DHC:3619



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

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Date of Decision: 29.04.2026

+ **BAIL APPLN. 768/2026**

NITESH ALIAS VINAY

.....Petitioner

Through: Mr. Kuldeep Singh, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Deepak Yadav, PS Mundka.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 610/2024 of Police Station Mundka West for offence under Section 309(4)/317(2)/309(6)/311/3(5) BNS.
2. Despite last order, status report was not filed. However, today IO/SI Deepak has appeared to assist the learned prosecutor.
3. I have heard learned counsel for accused/applicant and learned APP for State.



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4. Broadly speaking, allegation against the accused/applicant is that on 15.09.2024, a PCR call was received informing an armed robbery with the complainant *de facto*. The IO recorded statement of the complainant *de facto*, who alleged that two unknown persons robbed him of his motorcycle on gun point after hitting him with fist and fled the spot. On the basis of statement of the complainant *de facto* FIR was registered. In a separate incident in the area of Sector 23, Dwarka, the accused/applicant and his co-accused opened fire on an office, while riding the motorcycle of the complainant *de facto* and they demanded ransom. Thereafter, both accused persons were arrested in FIR No. 233/2024 of PS Sector-23, Dwarka. Subsequently, the accused persons were arrested in the present case on 19.09.2024.

5. On behalf of accused/applicant, it is contended that the gun allegedly used by the accused/applicant was a toy gun, as stated by the complainant *de facto* and in the present case no gun has been recovered from the accused/applicant. It is also submitted by learned counsel that the complainant *de facto* already stands examined in trial.

6. Learned APP for State strongly opposes the bail application, clarifying that the gun used in the present case was recovered in FIR No. 233/2024 of PS Dwarka for offence under Section 308(4)/125/3(5) BNS and Section 25/27 Arms Act. It is also submitted that the accused/applicant was duly identified by the complainant *de facto* in the course of TIP proceedings and the accused/applicant has been involved in total three cases, out of



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which two are under the Arms Act. It is also contended that the complainant *de facto* has supported prosecution case during his testimony. Learned APP also submits that the pistol allegedly used in the offence, three live cartridges as well as the robbed motorcycle were recovered from the accused/applicant.

7. In rebuttal, learned counsel for accused/applicant submits that TIP proceedings were defective. But admittedly the learned Magistrate who conducted the TIP proceedings is yet to step into the witness box. Learned counsel for accused/applicant also submits that in FIR No. 233/2024, the accused/applicant stands admitted on bail.

8. Considering the overall circumstances, especially successful TIP and testimony of the complainant *de facto* supporting the prosecution case coupled with the recovery of the gun and live cartridges as well as the robbed motorcycle from the accused/applicant and stage of trial, presently I do not find it a fit case to grant bail. Therefore, the bail application is dismissed.

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

**GIRISH KATHPALIA
(JUDGE)**

APRIL 29, 2026/dr

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