



2025:DHC:5646



\$~13

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

**Date of Decision: 15.07.2025**

+ BAIL APPLN. 3703/2024

SACHIN KUMAR @ TINKU

.....Petitioner

Through: Mr. Vishal Raj Sehijpal, Ms. Priyanka Handan and Mr. Nitin Kaushik, Advs.  
Mr. Nitin Kaushik, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for State.

**CORAM:**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**SHALINDER KAUR, J (ORAL)**

1. The present bail application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking the grant of Regular Bail in FIR No. 777/2023 dated 11.11.2023 for offences punishable under Section 307 and 34 of the Indian Penal Code, 1860, and Section 25 and 27 of the Arms Act, 1959, registered at Police Station Alipur, Delhi.

2. On the last date of hearing i.e., on 21.04.2025, the complainant/victim had sought time to file a reply, however, no reply has been filed and none has appeared on behalf of the complainant



2025:DHC:5646



today.

3. As per the prosecution, on 10.11.2023, a PCR call was received at Police Station Alipur regarding an incident of firing resulting in a gunshot injury to victim namely Piyush Mann near Fitness Freaks Gym, Firni Road, Alipur, Delhi. The information was recorded *vide* DD No. 71A and assigned to the Investigating Officer (IO) for necessary action. The IO along with the staff reached the spot and found that the injured had already been taken to Max Hospital, Shalimar Bagh.

4. Upon reaching the hospital, the IO found the injured, Piyush Mann, undergoing treatment for gunshot injuries. The MLC No. 5634/23 was collected, and the doctor declared the patient fit for statement.

5. In his initial statement, the victim stated that three unknown individuals intercepted his Scooty and fired multiple rounds of bullets at him before fleeing. On the basis of the statement of the victim, the subject FIR was registered. On inspection of the spot of incidence, four used cartridges, one live cartridge, and three bullet leads were recovered.

6. Subsequently, the victim gave a supplementary statement, disclosing that he was initially frightened and, therefore, did not name the assailants. He later identified the assaliants as Rahul, Rohit @ Laddu, Chetan, and Sachin @ Tinku (the petitioner herein), all alleged members of the Tillu Tajpuria gang and stated that the shots were fired at him by the co-accused persons Rohit @ Laddu and Chetan, and the petitioner came running from behind.



2025:DHC:5646



7. Thereafter, on 13.11.2023, on the basis of information received from an informer, the petitioner, Sachin @ Tinku, was arrested. At the time of his arrest, a country-made pistol (*katta*) and live cartridges were recovered from his possession. During the course of interrogation, he named two additional co-accused persons, namely Santy @ Sanky and Karan, who were subsequently arrested.

8. The co-accused Chetan @ Lalit was arrested on 14.11.2023, and one pistol, along with two live cartridges and the Scooty, used in the commission of the offence, were recovered from his possession. The opinion regarding the injury on the MLC was later obtained and was stated to be “dangerous”. Upon conclusion of the investigation, the Chargesheet was filed.

9. The petitioner moved a bail application before the learned Trial Court, which was dismissed *vide* the Order dated 01.07.2024, leading to filing of the present application.

10. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and was not present at the place of the incidence at the relevant time. He contends that the petitioner has not fired any shots and is not the assailant, as alleged by the prosecution. Furthermore, the petitioner has clean antecedents and no prior criminal record.

11. The learned counsel submits that the victim was declared fit for statement on the same day of the incident by the attending doctor at Max Hospital, which contradicts the prosecution's claim of the victim having sustained a grievous or life-threatening injury. He further submits that this circumstance indicates that the alleged injury, though



2025:DHC:5646



classified later as “dangerous”, was not of such gravity as to warrant continued incarceration of the petitioner.

12. He submits that the Chargesheet in the present case has already been filed, and no further custodial interrogation of the petitioner is required. Moreover, the petitioner is languishing in Judicial Custody for nearly 1 year and 8 months and the trial is not likely to conclude in near future, and therefore, no fruitful purpose would be served by keeping the petitioner in judicial custody. On these grounds, he prays, that the petitioner be admitted to regular bail.

13. The learned counsel also submits that the petitioner’s wife is pregnant and in an unstable medical condition, and may undergo premature delivery, thus, the petitioner’s presence at home is urgently required to take care of his ailing wife, and in these circumstances, continued custody would cause extreme hardship to the family.

14. On the other hand, the learned APP for the State strenuously opposes the bail application of the petitioner and submits that the petitioner is an active member of the Tillu Tajpuria gang, which is involved in various criminal activities. He submits that the present case involves a brazen act of firing in a public place, resulting in a ‘dangerous gunshot injury’ to the victim who is still bedridden and recovering.

15. He contends that a country-made pistol (*katta*) and live cartridges were recovered from the possession of the petitioner at the time of his arrest, which directly links him to the commission of the offence. Additionally, the Call Detail Records (CDR) and location analysis of the petitioner’s mobile number, as well as that of co-



2025:DHC:5646



accused Chetan @ Lalit, establish that the petitioner was in close proximity to the scene of crime and in active telephonic contact with co-accused around the time of the incident, which point towards the petitioner's involvement in the commission of the offence.

16. He further submits that that the matter is currently at the stage of arguments on charge, which are still ongoing and grant of bail, at this stage, before the charges are framed, may adversely affect the course of justice as there remains a strong possibility that the petitioner may tamper with evidence, influence witnesses, or abscond.

17. Having heard the learned counsel for the petitioner, the learned APP for the state and perused the record. It is the case of the prosecution that on the fateful day, while the victim, along with his friend, was returning home on a Scooty after completing his workout at a fitness gym, three co-accused persons, namely, Rahul, Rohit @ Laddu, and Chetan, intercepted them on a motorcycle. As soon as the victim stopped his Scooty, the co-accused Rohit and Chetan allegedly opened fire at him, causing him to fall to the ground. Thereafter, all three accused fled from the spot on the motorcycle.

18. The specific role attributed to the present petitioner is that he came running at the scene from Firni Road after the incident had already occurred and while the victim was lying on the road. The prosecution has alleged that the petitioner is a member of the Tillu Tajpuria gang. However, the petitioner did not open fire at the victim and he did not accompany the co-accused persons, who are alleged to be the main assailants for causing 'dangerous gunshot injury' on the person of the victim and had left the place of incidence. Further, the



2025:DHC:5646



weapon used in the commission of the offence was not recovered at the instance of the petitioner.

19. The case of the prosecution is that upon the search of the petitioner, a country-made pistol (*katta*) and live cartridges were recovered; nonetheless, the same were not used in the commission of the offence.

20. The petitioner has no previous criminal involvement and has clean antecedents. The perusal of the Nominal Roll of the petitioner reveals that the petitioner is in custody since 13.11.2023 and his jail conduct appear to be 'satisfactory'.

21. In conspectus of the facts and circumstances, the petitioner is admitted to Regular Bail in FIR No. 777/2023 dated 11.11.2023 for offences punishable under Section 307 and 34 of the Indian Penal Code, 1860, and Section 25 and 27 of the Arms Act, 1959, registered at Police Station Alipur, Delhi on his furnishing a personal bond in the sum of Rs.30,000/- with one surety in the like amount, to the satisfaction of the learned Trial Court/ CMM/ Duty Magistrate and further subject to the following conditions:-

- (i) The petitioner shall not leave the NCT of Delhi without prior permission of the learned Trial Court;
- (ii) The petitioner shall report at P.S. Alipur once a week i.e. every Wednesday at 04:00 PM for marking his presence;
- (iii) The petitioner shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change of residential address;
- (iv) The petitioner shall appear before the learned Trial Court as



2025:DHC:5646



and when the matter is taken up for hearing;

- (v) The petitioner is directed to give his mobile number to the Investigating Officer and keep it operational at all times;
- (vi) The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of the case;
- (vii) The petitioner shall also not tamper with the evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

22. It is made clear that no observations made above shall tantamount to be an expression on the merits of the petitioner's case and they have been made for the purpose of consideration of bail alone.

23. A copy of this order be sent to the Jail Superintendent concerned for information and necessary compliance.

24. Accordingly, the present Bail Application along with pending application stands disposed of.

**SHALINDER KAUR, J**

**JULY 15, 2025/ss/KP**