



2025:DHC:7832



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Reserved on: 29.08.2025
Date of Decision: 09.09.2025*+ **BAIL APPLN. 3064/2025****VIJAY UJJWAL**

.....Petitioner

Through: Mr. Sandeep Tyagi and Mr. Ashish
Goyal, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for State
with Mr. Aditya Vikram Singh, Adv.**CORAM:****HON'BLE MR. JUSTICE AJAY DIGPAUL****J U D G M E N T**

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1. The instant bail application has been filed on behalf of the applicant/petitioner/accused seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ in case arising out of FIR No. 532/2023.

Factual Matrix

2. The facts, in brief, are that the FIR in question was registered on 05.07.2023, wherein the complainant alleged that her mother, Smt. Poonam Mittal, was shot dead by Ankit Kaushik, a person known to the family.

¹hereinafter "BNSS"



3. It was alleged that Ankit came to the complainant's residence and shot at the deceased with a firearm, resulting in her death. Upon investigation, Ankit Kaushik was apprehended and during his custodial interrogation, he disclosed that the firearm used in the incident had been procured from Village Hazurabad Garhi, District Baghpat, Uttar Pradesh, with the assistance of co-accused Sagar Ujjwal and Vijay Ujjwal, the present petitioner.

4. As per the prosecution, the petitioner facilitated the procurement of the weapon by coordinating with suppliers in Uttar Pradesh. It is further alleged that a sum of ₹44,000/- was transferred by Ankit to the petitioner through PayTM on 10.05.2023, and that further cash payments (₹12,500/- + ₹8,000/-) were subsequently made for magazines and cartridges.

5. The CDR location data is stated to have shown the petitioner in the company of the co-accused on the relevant dates. The charge-sheet has been filed, and the charges were framed against the petitioner on 18.07.2024 under Section 25 (8) of the Arms Act alone, and not under Section 302 of the IPC. The petitioner has been in custody since 11.07.2023, and the trial is at the stage of recording of prosecution evidence. A supplementary chargesheet was also filed on 05.04.2025.

Submissions on behalf of the petitioner

6. Mr. Sandeep Tyagi, learned counsel appearing on behalf of the petitioner submits that the role attributed to the petitioner is limited and distinguishable from the principal accused Ankit Kaushik, who is alleged to have committed the actual shooting.



7. It is argued that the petitioner is not named in the FIR, and there is no eyewitness or direct evidence linking him to the procurement or supply of arms.
8. The case record itself shows that charges were framed vide order dated 18.07.2024 against the principal accused Ankit under Sections 302/506 of the IPC and 25/27 of the Arms Act, whereas against Vijay (petitioner), charge was framed only under Section 25(8) of the Arms Act. Thus, the role attributed to the petitioner is distinct and limited to that of the main accused Ankit.
9. The entire prosecution case against the petitioner is stated to rest on the disclosure statements of co-accused, particularly Ankit and Sagar, and on a money transfer of ₹44,000/- through PayTM, which the petitioner contends is insufficient to establish criminality, especially in the absence of any recovery of the firearm or ammunition from him.
10. With regard to the PayTM transaction of ₹44,000/-, it is submitted that the mere existence of a money transfer, without a demonstrated nexus to the alleged arms supply or any consequential recovery, cannot, by itself, sustain a charge under the Arms Act. It is contended that there is no material to show what the money was used for, and the prosecution has failed to establish any live link between the transaction and the weapon allegedly used.
11. It is further contended that the prosecution has failed to produce any material witness or independent corroboration to the disclosures. The petitioner also relies on the fact that there is a significant time gap of nearly two months between the alleged transaction (10.05.2023) and the actual incident (05.07.2023), which undermines the causal nexus.



12. The petitioner is aged 25 years, has no prior criminal antecedents, and his conduct in jail has been satisfactory. It is argued that continued incarceration in the absence of direct evidence would be violative of Article 21 of the Constitution. Thus, it is prayed that the instant bail application may be allowed, and the reliefs be granted as prayed for.

Submissions on behalf of the State/APP

13. *Per contra*, learned APP appearing on behalf of the State opposes the bail application. Relying upon the status report and case diary, it is submitted that the petitioner, along with co-accused Sagar, was instrumental in supplying the pistol and ammunition which was used in the commission of a heinous offence involving the cold-blooded murder of a woman inside her residence.

14. It is submitted that CDR and location data corroborate the meeting between the accused persons at Hazurabad Garhi on 10.05.2023. It is further submitted that the disclosure statements of the co-accused have been consistent, and Vijay has received money in his account. The prosecution asserts that the role of supplier of weapons in furtherance of a criminal conspiracy should not be undermined, and given the seriousness of the offence, bail ought not to be granted at this stage.

15. It is submitted that the monetary transaction, coupled with CDR evidence, and the consistent disclosure statements of co-accused, make out a *prima facie* case against the petitioner. It is contended that releasing the petitioner at this stage may lead to tampering with evidence, especially as key prosecution witnesses are yet to be examined. Thus, it is prayed that the present application may be dismissed.



Analysis

16. Heard the parties and perused the record.

17. The role attributed to the applicant is limited to facilitating illegal procurement of a firearm. He is not named in the FIR and is not charged with murder. As per the record, charges were framed against him only under Section 25(8) of the Arms Act, unlike the co-accused Ankit against whom charges of Section 302/506 of the IPC and 25/27 of the Arms Act were framed. This reinforces the limited nature of the allegation against the petitioner as a purported facilitator, distinct from the principal homicidal act.

18. This Court is conscious that the provision is serious; however, for present purposes, the Court must test whether the materials against the applicant, who is not charged with murder, justify continued pre-trial incarceration, bearing in mind the nature of evidence and the progress of trial.

19. The principal allegation against the applicant is that he, along with co-accused Sagar, facilitated the procurement of a country-made pistol and magazines, which were later used in the commission of the murder. It is material to note that the applicant is not facing charges under Section 302 of the IPC or any other provision relating to the homicidal act itself, but only under Section 25(8) of the Arms Act. The role attributed to the petitioner is that of a conduit or facilitator in the purported procurement of arms, which is distinct and remote from the direct commission of the offence under Section 302 of the IPC.

20. In the present case, the linkage sought to be established between the petitioner and the act of supply rests primarily on disclosure statements and



CDR along with the location of the accused persons, all of which are subject matters of trial and may not be weighed in at the stage of bail.

21. The prosecution seeks to bolster its case by relying on CDR data and location data which show that on 10.05.2023, the petitioner and co-accused Sagar were present in the same general vicinity, i.e., Village Hazurabad Garhi, Baghpat, U.P. However, it is equally true that this location data does not conclusively establish co-location at the precise time and place of the alleged handover. No CCTV footage, or eye-witness confirmation etc. have been brought on record to affirm the meeting between the applicant and the prime accused Ankit Kaushik. Additionally, the CDR and location data, at best, shows proximity in time and place but does not establish the commission of any specific act.

22. Furthermore, on a perusal of the status report, the so-called “money trail” relies on PayTM credits dated 10.05.2023 into the bank account of petitioner. The PayTM transaction of ₹44,000/- and further cash transactions (₹12,500/- + ₹8,000/-), though suspicious, is not conclusive evidence of criminal complicity. The alleged transaction of ₹44,000, while forming the crux of the prosecution’s case, cannot be viewed in isolation or accorded determinative evidentiary value.

23. Notably, the alleged transaction of supply is stated to have taken place on 10.05.2023, whereas the offence occurred on 05.07.2023, i.e., nearly two months later. This temporal disconnect weakens the argument of the alleged nexus between the act of supply and the crime.

24. While location proximity may raise a *prima facie* suspicion, it cannot, at the bail stage, override the considerations of limited role, absence of recovery, and prolonged incarceration. The petitioner’s position that he was



not involved in the physical handover or in any actionable conspiracy cannot be refuted solely on the basis of disclosure or CDR etc. These are matters best left for trial where the burden of proof and standard of evidence shall be applied rigorously.

25. Applying these principles, this Court finds that the petitioner has remained in custody for almost two years and the evidence against the petitioner consists primarily of circumstantial inferences and disclosure statements.

Conclusion

26. In view of the foregoing discussion, particularly the limited role ascribed to the petitioner and the facts of the case, this Court is of the considered view that continued detention of the petitioner would not serve the ends of justice.

27. Accordingly, the present application is allowed, and the petitioner shall be released on regular bail upon him furnishing a personal bond in the sum of ₹50,000/- with one solvent surety of the like amount to the satisfaction of the learned Trial Court subject to the following terms and conditions:

- a. He shall appear before the learned Trial Court on each date of hearing unless exempted;
- b. He shall not tamper with evidence or attempt to influence witnesses in any manner; and
- c. He shall not leave the Country without prior permission of this Court.



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28. It is made clear that the observations made hereinabove shall not be construed as an expression of this Court on the merits of the case before the learned Trial Court.

29. The instant bail applications, along with the other pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

SEPTEMBER 9, 2025/ar/dd