



2025:DHC:8909



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

% ***Pronounced on: 08th October, 2025***

+ **BAIL APPLN. No. 2883/2025**

VISHAL @ PAIWALA
(AGED ABOUT 20 YEARS)

.....Petitioner

Through: Mr. Pradeep Singh Rana, Mr. Gagan
Bhatnagar, Mr. Rahul Prashar,
Mr. Tushar Rohmetra, Mr. Rajesh
Sharma and Mr. Anubhav Sharma,
Advs.

versus

THE STATE
(GOVT. OF NCT OF DELHI)

.....Respondents

Through: Mr. Utkarsh, APP for State with
Inspector Rajesh Verma, PS Narela.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. **Regular Bail** Application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*) [corresponding to Section 439 of the Code of Criminal Procedure (CrPC), 1973] on behalf of the **Applicant/Vishal @ Paiwala** in FIR No.591/2024 dated 05.09.2024 under Sections 103(1)/109(1)/333/3(5)/238/324/190 of the Bharatiya Nyaya Sanhita, 2023 (*hereinafter referred to as 'BNS'*)& Sections 25/27 of the Arms Act, registered at PS Narela.



2. The Regular Bail Application of the Applicant was dismissed by the Ld. ASJ *vide* Order dated 05.09.2025.
3. The **brief facts of the case** are that on 04.09.2024, an information was received at PS Narela *vide* DD Nos. 139A and 141A, regarding a firing incident that took place at *Veer Properties on Gonda Road, Narela, Delhi*. Upon reaching the location, the Investigation Team found that ***one person had died (later identified as Manish)*** and two others, i.e. ***Praveen and Kulbir Singh, had sustained bullet injuries***, who had already been shifted to the hospital.
4. During the investigations, it emerged that prior to the main incident, the Applicant was allegedly present at a vacant plot near Veer Properties where the accused persons were sitting. According to the statement of one Abhishek recorded under Section 161 Cr.P.C, the Applicant had allegedly slapped him from behind. However, CCTV footage shows that after this alleged slap, Abhishek sat peacefully with the accused persons, after which he went to the deceased's office, following which the quarrel escalated into the shooting incident.
5. It is submitted that the Senior Officers from the local police along with the District Mobile Crime Team of Outer North District and a Team from the FSL Rohini, inspected the scene of crime and conducted photography and forensic examination.
6. When the IO reached Max Super Specialty Hospital, Shalimar Bagh, he found the injured, Kulbir Singh, unfit to give a statement. The ***statement of his brother, Satbir Singh/Complainant***, who had shifted him to the hospital, was recorded. He disclosed that on 04.09.2024, around 7 PM, while he was in *Biswamil, Sonipat*, he received a call from Manish (the



deceased), a resident of his village, asking him to come to his office on *Gonda Road, Narela*. Shortly thereafter, Manish called him again to come quickly. A third call was made by Manish, who informed that co-accused Deepak had assaulted Kulbir and injured him on the head.

7. The Complainant further stated that upon reaching Manish's office at around 7:45 PM, he saw co-accused Deepak exiting the office while holding a pistol. Deepak attempted to flee on a motorcycle, but when the Complainant tried to stop him, he abandoned the motorcycle and escaped on foot. The office window glass had been shattered. Upon entering the office, the Complainant found Manish lying unresponsive with his face down, on the sofa, while his associate Praveen was lying on the floor in pain. The Complainant was initially unable to locate his brother, Kulbir and began calling out for him. In response, Kulbir, who was lying between the bed and the office wall, cried out that co-accused Deepak had shot him and pleaded for help. While being taken to Raja Harish Chandra Hospital, Kulbir told the Complainant that a dispute had occurred between Manish and co-accused Deepak over Rs. 20,000/-. Following this, Deepak, along with his associate co-accused Ashish and some others, had attacked them.

8. Based on the Complainant's statement, *FIR No. 591/2024 dated 05.09.2024 was registered at PS Narela under Sections 103(1)/109(1)/333/3(5) BNS and Sections 25/27 Arms Act.*

9. During the investigations, CCTV footages were seized by the I.O. from the spot. ***Co-accused persons, namely, Deepak @ Jitender, Ashish, Dev Kumar and Sahil*** were arrested. *After the completion of investigation, the Chargesheet qua aforesaid co-accused persons was filed in the Court, on 04.12.2024.*



10. The Applicant has submitted that fearing his false implication due to his alleged presence at the scene as captured in CCTV footage, he *voluntarily surrendered before the Ld. JMFC on 13.02.2025*. Following a request by the Investigating Officer, he was remanded to one day of Police Custody. ***Since 14.02.2025, the Applicant is in Judicial Custody.***

11. After the completion of the investigation qua the Petitioner, the *Chargesheet was filed against the Applicant on 15.05.2025*. The case has been committed to the court of Ld. Sessions Judge and is pending for Arguments on Charge.

12. The **Applicant has sought Regular Bail on the grounds** that the Applicant is a 20-year-old, law-abiding citizen with no prior criminal record; is a permanent resident with strong societal ties. He lost his father in childhood and is the sole male earning member, supporting his family while his mother works as a tailor. Given these circumstances, there is no risk of him fleeing or absconding, if granted regular Bail.

13. It is submitted that the Applicant voluntarily surrendered before the Court on 13.02.2025 and has been in Judicial Custody since 14.02.2025 i.e. for about 5 months. His voluntary surrender reflects respect for the legal process and negates any risk of absconding.

14. It is further submitted that the Chargesheet has already been filed, indicating that the investigation is complete and no further custodial interrogation is needed. The Applicant has been falsely implicated based solely on the alleged disclosures of a co-accused and his own purported statement, which is inadmissible under Section 23 BNS. No incriminating evidence or recovery has resulted from his disclosures.



15. Moreover, the Applicant was not named in the FIR and his name surfaced much later in the disclosure statements of co-accused and selective interpretation of CCTV footage, none of which conclusively establishes his involvement in the murder of the deceased or the alleged attempt to murder of the injured persons.

16. It is submitted that the specific role attributed to the Applicant is extremely limited and pertains to a physical altercation where he is alleged to have slapped Abhishek, and later allegedly participated in the general scuffle. There is no allegation on the Applicant of using or carrying any weapon, and no firearm, knife, or any offensive article has been recovered from his possession.

17. It is clearly evident from the CCTV footage that after the alleged slap, the situation remained calm with no signs of hostility or escalation. In fact, Abhishek is seen peacefully sitting with the accused and even sharing a *hookah* for about 15 minutes. This directly contradicts the Prosecution's claims and suggests that the slap did not lead to the fatal incident or indicate any animosity. The Applicant has been falsely implicated based on a misinterpretation of the events, while the footage shows no provocative or instigating behaviour on his part.

18. It is submitted that the entire incident arose out of a heated and sudden quarrel, and the Applicant had no reason to foresee or apprehend that co-accused Jitender would resort to the use of a firearm. The absence of any pre-planning, coordination, or participation in the act of shooting by the Applicant, clearly negates any inference of common intention or common object on his part.



19. Further, the statement of Abhishek under Section 161 Cr.P.C. was recorded after an undue delay of 70 days from the date of incident. Also, there is no direct link between the Applicant and the alleged shooting. The Prosecution's case against the Applicant is purely circumstantial and based on fabricated suspicion, conjectures, and weak evidence regarding any alleged prior meeting of minds. Reliance is placed on Lakshmiddev Amma vs. The state of Karnataka, Criminal Petition No. 5358/2016.

20. The Applicant has placed reliance on the case of Seema Singh versus Central Bureau of Investigation; CrI. Appeal No. 569/2018 wherein the Apex Court observed, "*No doubt, the offence with which Respondent No. 2 is charged is a serious one that by itself cannot be the ground to outrightly deny the benefit of Bail if there are other overwhelming circumstances justifying grant of Bail.*"

21. The settled that the object of Bail is to secure the attendance of the accused at the trial, and the proper test to be applied in the solution of the question whether Bail should be granted or refused, is whether it is probable that the party will appear to take his trial. Otherwise, Bail is not to be withheld as a punishment.

22. It is further submitted that the Applicant is having clean antecedents and has not been previously convicted for any cognizable offence.

23. In the end, it is submitted that there are more than 50 Prosecution Witnesses and the trial is likely to take long.

24. Reliance is placed on Nikesh Tarachand Shah vs. Union of India, 2018 (11) SCC 1; P. Chidambaram vs. Directorate of Enforcement, AIR 2019 SC 5272; Mohd. Tahir vs. State, decided on 18.01.2022, Bail Appln. No. 1518/2021.



25. The Applicant undertakes to abide by the conditions as may be imposed under Sub section (3) of Section 480 BNSS.

26. *Thus, it is asserted that the Applicant/Vishal @ Paiwala be granted Bail.*

27. **The Ld. Counsel for the Applicant/Vishal @ Paiwala** submitted that the Applicant was not named in the FIR or in the initial statement of the injured person. The Applicant's name surfaced only after a delay of 70 days from the date of incident, when witness, Abhishek gave a statement under Section 161 Cr.P.C. It is submitted that Abhishek's delayed statement appears to be an afterthought, aimed at corroborating the Prosecution's story and implicating the Applicant by invoking Section 34 IPC [*Section 3(5) BNS*].

28. The Ld.Counsel further submits that Charges have not yet been framed and that none of the accused persons have been granted Bail so far. Most importantly, the Applicant was not present at the spot where the actual shooting incident took place, but was involved in a separate scuffle with Abhishek at another location.

29. It is submitted that three CCTV footages have been seized by the Investigating Agency and the footage showing the firing incident does not show the presence of the applicant at that location. It is prima facie established that the Applicant had no role in the alleged offence.

30. ***The Respondent/State has stated in its Status Report*** that on 04.09.2024, a firing incident occurred at *Veer Properties, Narela*. Upon arrival, the police found one person, Manish (owner), dead and two others, Praveen and Kulbir, injured. The deceased was declared "*brought dead*" at



SRHC Hospital, Narela *vide* MLC No. 5042/24. Based on a Complaint by Satbir Singh, the present FIR was registered.

31. ***Accused Deepak @ Jitender, Ashish, and Dev Kumar were arrested.***

The arrested accused disclosed that the deceased was engaged in the business of money lending, on interest. Accused Deepak @ Jitender had stood as a guarantor for a loan of Rs. 20,000/- taken by a known acquaintance, who later absconded to Bihar without repayment. Subsequently, the deceased started threatening Deepak @ Jitender to recover the said amount.

32. On 04.09.2024, accused Deepak @ Jitender, along with his associates Ashish, Dev (driver of Ashish), Vishal @ Paiwala, and others, was sitting on a vacant plot near *Veer Properties*. Manish approached Deepak and asked him to come to his office. A heated exchange took place, escalating into a physical altercation. During the fight, Deepak, who was carrying a pistol procured from Jammu & Kashmir, fired multiple rounds at Manish and others inside the office. Manish died on the spot due to the firearm injuries.

33. Further investigation revealed that the present Applicant was present at the scene as is visible in CCTV footage, assaulting Kulbir Singh. He had absconded and later surrendered on 13.02.2025.

34. The Chargesheet has been filed, and Arguments on Charge are pending. Although Vishal has no past criminal record, the gravity of the offence and clear evidence of his involvement weigh heavily against him.

35. ***Thus, the present Bail Application may be dismissed.***

36. The **Ld. APP for the State** has **strongly opposed the Bail on the ground** that the Applicant is clearly visible in the CCTV footage recovered from the scene of crime. The Applicant actively participated in the



commission of the offence. It is clarified that there were multiple locations where altercations took place. It was also submitted that all of the accused persons were common friends and had gathered for the birthday party of the Applicant/Vishal @ Paiwala.

37. Submissions heard and record perused.

38. The case of the Prosecution relates to an incident which occurred on 04.09.2024 at approximately 7:00-7:45 PM at *Veer Properties, Gonda Road, Narela, Delhi*. The sequence of events reveal that the Applicant/Vishal @ Paiwala along with co-accused Deepak @ Jitender, Ashish, Dev Kumar, and others, were initially sitting at a vacant plot near the deceased Manish's office. A dispute arose which escalated into a violent confrontation.

39. During this incident, ***co-accused Deepak fired multiple gunshots, resulting in the death of Manish and grievous injuries to Praveen and Kulbir Singh***. The Complainant/Satbir Singh arrived at the scene at around 7:45 PM and witnessed co-accused Deepak fleeing with a pistol. The CCTV footage and witness statements place the Applicant at the scene during the commission of the offence, and he is alleged to have participated in the assault on the victims before absconding for over five months, until his voluntary surrendered on 13.02.2025.

40. ***Firstly***, although the charges levelled against the Applicant are of serious nature but the material on record including the Status Report filed by the State, reveals that the ***main accused herein is Deepak @ Jitender, who is the person who actually fired the shots***. The Apex Court has consistently held that while gravity of the offence alone cannot be the sole ground for denial of Bail, it remains a relevant and significant consideration, particularly in cases involving heinous crimes such as murder.



41. **Secondly**, the Applicant's defence primarily rests on the contention that he had a limited role in the incident, that he merely slapped one Abhishek, and that he left the spot before the actual shooting took place.

42. However, the Applicant's presence at the scene of crime, his association with the co-accused persons, and his participation in the events leading up to the shooting, cannot be viewed in isolation. Furthermore, it is the case of the Prosecution that the altercation between the Applicant, co-accused and the Injured/ deceased took place at three places and the CCTV footage cannot be seen in isolation, *dehors* the statements of the witnesses. The CCTV footage establishes that the Applicant was present with the group of accused persons, on the vacant plot near Veer Properties. It is a settled principle of criminal jurisprudence that when multiple persons participate in a criminal act with a common intention or in furtherance of a common object, *each person is liable for the acts committed by others in the group*.

43. **Thirdly**, the present matter is at a nascent stage and the matter is at the stage of framing of Charges. The evidence of the Prosecution Witnesses is yet to commence. The testimony of Public/eye-witnesses is yet to be recorded and their testimonies will be crucial in establishing the chain of events.

44. Where the matter involves serious allegations but also raises genuine questions about the extent and nature of the Applicant's involvement, this Court must adopt a balanced approach that neither prejudices the merits of the case nor overlooks the seriousness of the charges levelled against the Applicant. Considering that the trial is yet to commence and all material witnesses are yet to be examined, the continued Judicial Custody of the



Applicant becomes imperative herein. It is further relevant to note that none of the co-accused persons have been granted Bail so far.

45. *Fourthly*, in the present case, the Applicant's conduct in absconding for a prolonged period and his subsequent surrender raises serious concerns about his likelihood to flee, if released on Bail.

46. Thus, considering the gravity and seriousness of the offence, the *prima facie* evidence on record establishing the Applicant's presence and participation in the incident, his conduct of absconding for over five months, the limited period of incarceration at this nascent stage of trial, and the genuine risk of witness intimidation, cumulatively weigh against the grant of Bail.

47. In the end, the Applicant has contended that there are about 50 Prosecution Witnesses to be examined and the trial is likely to take long. It is settled law that the Constitutional right of the Applicant under Article 14 and Article 21 are indefeasible, but it needs to be balanced with the societal concerns especially when the crime involves murder of one person and injury to two persons. The Applicant is in Judicial Custody since 13.02.2025, but the Charge-Sheet already stands filed and the matter was listed for arguments on Charge. It cannot be said at this stage that the Trial is delayed, giving a right to the Applicant to seek Bail.

48. The Bail Application is accordingly, dismissed.

49. Pending Application(s), if any, are accordingly, disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 08, 2025/R