



2025:DHC:4299



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 23.05.2025

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BAIL APPLN. 393/2025

VISHAL PANDIT @ POKI

.....Petitioner

Through: Mr. Vishwajeet Kumar and Ms.
Lahana Singh Saini, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP with
Insp. Sudhir Kumar, ASI
Ravinder Singh, PS NIA, Outer
North.

Mr. Vinayak Bhandari, Ms.
Teesta Mishra and Mr. Ishaan
Phukan, Advs. for the.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. By way of the present petition under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks the grant of regular bail in FIR No. 777 of 2023 dated 05.09.2023 for offence under Section 387 and 34 of the Indian Penal Code, 1860 ("IPC") and Section 27, 54 and 59 of the Arms Act, 1959 registered at Police Station Narela Industrial Area.

2. It is the case of the prosecution that on 05.09.2023, a PCR call was received at Police Station Narela Industrial Area, regarding



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‘Parchun ki dukan caller bol raha hai ki shop pr firing karke gaya hai ek ladka kissi ko lagi nahi hai’, which was recorded *vide* DD No. 46A. The said call was entrusted to Head Constable Amit, who reached on the spot situated at Shop No. 2, Khasra No. 63, Holambi Khurd, Delhi. The caller, Ravinder Kumar, was in a visibly nervous state. He did not give any statement at that time.

3. Thereafter, the Crime Team was called to the spot, pursuant to which the scene of crime was inspected and photographed. During the course of inspection, one empty cartridge was recovered from the spot. Further, no CCTV camera was found installed either at the spot or in the nearby area. Subsequently, the complainant came to the Police Post Metro Vihar, where he got his statement recorded.

4. In his statement, the complainant stated that on 05.09.2023, at approximately 01:45 PM, while he was engaged in selling goods at the shop, two boys arrived on a motorcycle and stopped in front of his shop. The rider of the motorcycle was identified as Dipanshu Swami, while the pillion rider was one Vishal Pandit (petitioner herein). He stated that Vishal approached the complainant and remarked that his shop was running successfully. He then demanded a sum of Rs. 5 lakhs in cash and issued a threat to kill the complainant in case of non-compliance. He further stated that Vishal thereafter fired a round and fled from the spot.

5. Accordingly, FIR No. 777/2023 dated 05.09.2023 under Section 387, 34 of the IPC, 27, 54, 59 Arms Act, was registered at Police



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Station Narela Industrial Area and investigation of the case was marked to Assistant Sub-Inspector Ravinder Singh.

6. During the course of investigation, petitioner and Deepanshu Swami were produced before the police by their respective fathers. Both the accused were interrogated in connection with the present case and, after conclusion of the same, they were formally arrested. It is stated that during the investigation, accused Vishal Pandit led to the recovery of the weapon of offence, i.e., a pistol along with six live cartridges. Deepanshu Swami, on the other hand, led to the recovery of the motorcycle used in the commission of the crime.

7. Upon completion of investigation, a Charge-Sheet was filed against both the accused under Sections 307, 387, 34 of the Indian Penal Code and Section 27 of the Arms Act. Both the accused are presently in judicial custody. It is further noted that on 29.02.2024, the learned Trial Court framed the Charges under Sections 307, 387, 34 IPC and Section 27 of the Arms Act against the petitioner.

8. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the complainant had named the petitioner at the instance of the Police, which is evident as the complainant has not supported the prosecution case before the learned Trial Court.

9. The learned counsel submits that the co-accused Deepanshu Swami was granted bail on 13.10.2023 by the learned Trial Court, his role was that driving the motorcycle on which the petitioner was a



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pillion rider at the time of the incident, thus, there is parity in the role assigned to the petitioner and co-accused by the prosecution.

10. He submits that the petitioner is in custody since the date of his arrest i.e., 11.09.2023 and his jail conduct is 'Satisfactory', thus, he be admitted to bail.

11. The learned APP, while seeking dismissal of the petition, submits that the petitioner cannot claim parity with the co-accused as the petitioner has a grave role than assigned to the co-accused. The petitioner was the one, who had fired in the air from his pistol and had raised a demand of Rs. 5,00,000/- from the complainant. More so, the pistol has been recovered from the possession of the petitioner.

12. The learned APP vehemently submits that the petitioner is a habitual offender as he is involved in a number of criminal cases of similar nature and if released on bail, he would indulge in more criminal offences. He submits that on the day of the incident, subsequently, the petitioner and the co-accused committed another offence for which FIR bearing no. 775/2023 under Section 307, 50, 34 IPC and 25, 27 of the Arms Act was registered at Police Station Narela Industrial Area.

13. In rebuttal, the learned counsel for the petitioner submits that the motorcycle, which was used in the alleged commission of offence was recovered from the possession of the co-accused and they were both riding on the motorcycle. When they reached in front of the shop of the complainant, the petitioner got down and allegedly raised the demand for Rs. 5,00,000/- from the complainant and threatened him



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by firing in the air. He submits that as both the accused persons had come together and had left the scene of incidence together, therefore, it cannot be said that the role of the petitioner was different or grave then the co-accused Deepanshu Swami. He submits that the co-accused is also involved with the petitioner in the subsequent FIR No. 775/2023. More so, he submits, that though the petitioner is stated to be involved in a number of cases, however, he is on bail in all those cases. Therefore, the benefit of bail be also extended to the petitioner.

14. Having heard the learned counsel for the petitioner and the learned APP and perused the record, this Court finds that as per the Nominal Roll, the petitioner is in custody since 11.09.2023, that is, for around 1 year and 7 months. His jail conduct is 'Satisfactory', however, he is involved in following cases:-

- i. FIR No. 775/2023 under Sections 307/506/34 IPC & 25/27 Arms Act registered at PS Narela Industrial Area, Delhi.
- ii. FIR No. 83/2021 under Sections 186/353/307/34 IPC registered at PS Shahbad Dairy, Delhi.
- iii. FIR No. 410/2021 under Sections 387 IPC registered at PS Narela Industrial Area, Delhi.
- iv. FIR No. 518/2022 under Sections 307/506/120B/34 IPC registered at PS Mundka, Delhi.
- v. FIR No. 257/2022 under Section 379B/34 IPC registered at PS Murthal, Sonipat, Haryana.

15. The nominal roll reveals that the petitioner is on 'bail' in all the above cases. No doubt, the allegations against him are grave, however,



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PW-2, the complainant, has not supported the case of the prosecution and has not identified the petitioner, as the person, who had stepped down from the motorcycle and threatened him by firing in the air from a pistol. He further declined that he had told the Police that the petitioner had demanded Rs. 5,00,000/- from him. As per learned APP, apart from the complainant, there is no eye witness of the case.

16. The co-accused Deepanshu, who was present with the petitioner throughout the incident and was driving the motorcycle, which got recovered from his possession, has been granted bail by the learned Trial Court on 13.10.2023. Needless to say, he is also involved in the case registered FIR No. 775/2023 with co-accused Deepanshu, which has been allegedly committed on the same day. Apparently, the petitioner does not seem to have clean incident, as he is involved in four more criminal cases but he is on bail in all those cases.

17. Accordingly, in view of the entire conspectus of facts and circumstances as noted hereinabove, the period of incarceration, the jail conduct, the complainant, the only eye witness of the prosecution's case, has not supported the prosecution version and that co-accused is on bail since 13.10.2023, the petitioner is admitted to Regular Bail pending Trial in the subject FIR bearing No. 777 of 2023 dated 05.09.2023 for offence under Section 387 and 34 of the IPC and Section 27, 54 and 59 of the Arms Act, 1959 registered at Police Station Narela Industrial Area, on his furnishing a personal bond in the sum of ₹ 25,000/- with two surety in the like amount, subject to



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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. Narela Industrial Area, twice a week i.e., every Tuesday and Saturday at 4:00 P.M for marking his presence.
- iii.** The Petitioner shall immediately 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 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 case.
- vii.** The Petitioner shall also not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending Trial.

18. 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.



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19. A copy of this Order be sent to the Jail Superintendent concerned for information and necessary compliance.
20. Accordingly, the present Bail Application stands disposed of.

SHALINDER KAUR, J

MAY 23, 2025/ss/sk

Click here to check corrigendum, if any