

(2026) 08 DEL CK 3859

In the Delhi High Court, Principal Bench, New Delhi

Case No : BAIL APPLN. 3062/2026 & CRL.M.A. 23134/2026

Yash Alias Maan

APPELLANT

Vs

State Nct Of Delhi & Anr.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

IPC — Section 307/34

Arms Act — Section 25/27/54/59

Citation : (2026) 08 DEL CK 3859

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Mr. Pankaj, Mr. Sanjeev Sabharwal, APP

Final Decision : Allowed

Judgement

1. The accused/applicant seeks regular bail in case FIR No. 644/2023 of PS Moti Nagar for offence under Section 307/34 IPC read with Section 25/27/54/59 of Arms Act.

2. Broadly speaking, allegation against the accused/applicant is as follows. On the night intervening 09.11.2023 and 10.11.2023, in the course of an altercation between the complainant *de facto* and the accused/applicant, the latter fired a gun shot causing injury on right thigh of the former. After medical examination and treatment at Acharyashree Bhikshu Government Hospital, the injured complainant *de facto* was discharged.

3. Learned counsel for accused/applicant submits that the injured complainant *de facto* has already been examined in trial and there is no eye witness to the alleged incident.

4. Learned APP for State assisted by Investigating Officer/SI Ram Chander and SI Mohit accepts notice and strongly opposes the bail application. It is submitted by learned APP that the accused/applicant and the complainant *de facto* had old enmity since both of them were in children's home as children in conflict with law

and it is apprehended that once released on bail, the accused/applicant shall cause harm to the complainant *de facto* or his family.

5. One significant aspect of this case is that the bullet or even the empty shell thereof was not recovered. Neither from the thigh of the injured complainant *de facto* nor from anywhere else in the vicinity, the fired bullet or its empty shell could be recovered. Even in the MLC, it would be significant to note that the doctor observed a puncture wound on right thigh of the complainant *de facto* but also found no active bleed. The MLC was prepared within almost one hour of the alleged firing. If it was a punctured wound, the question is where the allegedly fired bullet go, because there is no exit wound. Of course on this aspect, the trial court shall take independent view on the basis of evidence adduced during trial.

6. But for present purposes, suffice it to record that no public witness remains to be examined in trial and the accused/applicant cannot be kept in jail endlessly.

7. As regards the apprehension that if released on bail the accused/applicant would harm the complainant *de facto*, that cannot be a ground to deny him bail. For, it is the duty of the State to ensure protection to all. However, learned counsel for accused/applicant himself assures that the accused/applicant shall not contact the complainant *de facto* or any of his family members.

8. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

9. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

10. Accompanying application also stands disposed of.