

Bail application no. 593/26
FIR No. 0735/25
PS: Sarai Rohilla
u/s : 109(1)/3(5) BNS &
Sec.25/27 Arms Act
State vs Sameer @ Dahiya

04.04.2026

This is an application under section 483 of BNSS for grant of regular bail moved on behalf of the applicant/accused Sameer @ Dahiya.

Present : Sh. Abhishek Rana, Ld. Addl. PP for the State.
Sh. Pradeep Rana, Ld. Counsel for the applicant/accused.
IO SI K.L. Kuldeep in person.

Reply to the application filed by the IO. Copy supplied.

Arguments on the application heard.

1. The present application has been moved on behalf of the applicant/accused Sameer @ Dahiya s/o Krishan Dahiya, aged about 26 years, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") seeking grant of regular bail in FIR No. 735/2025, PS Sarai Rohilla, registered under Sections 109(1)/3(5)/328 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter "BNS") and Section 25/27 Arms Act.

2. The prosecution case, as emerges from the FIR registered on 09.11.2025 on the basis of the statement of the complainant Rahul Singh s/o Yogender Singh is as follows:

It is alleged by the complainant Rahul Singh that he lend Rs.4.5 lacs to his friend Siddharth who further gave the same to his friend Rohit; on 05.11.2025, complainant was called by Siddharth at his flat situated at Sindhora Kalan, Delhi where he reached at 08.30 PM; when the complainant demanded back his money, a dispute arose between the complainant, Siddharth and Rahul; thereafter Rahul called his friend namely

Dahiya who came there carrying one pistol and started threatening the complainant that he would kill him if he again asks for his money. It is alleged that thereafter at the instance of Rohit, Dahiya fired at complainant with the intention to kill him and the bullet hit on the left knee of the complainant. Thereafter all the persons fled away from the spot.

3. Ld. Counsel for the applicant has argued that the applicant has been falsely implicated in the present case. It is submitted that the entire case of the prosecution against the applicant is based on the allegation that he fired upon the complainant. However, during the Judicial Test Identification Parade (TIP) proceedings, the complainant failed to identify the applicant/accused, which casts serious doubt upon the identity of the alleged assailant. It is further submitted that no weapon of offence has been recovered from the possession of the applicant or at his instance. It is also argued that the applicant is in judicial custody since 20.02.2026 and nothing incriminating has been recovered from him despite his police custody remand; the investigation in the present matter has already been completed, chargesheet against the co-accused Siddharth has been filed, and charges have been framed. It is further submitted that the applicant is a young person aged about 26 years, is a permanent resident of the given address and there is no likelihood of his absconding or tampering with the prosecution evidence.

4. Per contra, Ld. Addl. PP for the State has strongly opposed the bail application and submitted that the applicant is the main accused who fired upon the complainant with the intention to kill him; that the presence of the applicant has been captured in the CCTV footage near the place of occurrence. It is also submitted that during investigation the complainant had identified the applicant from the dossiers of criminals shown to him. It is further argued that the investigation qua the present applicant is still pending and the chargesheet against the applicant and co-accused Rohit is yet to be filed. It is also submitted that the applicant has criminal antecedents and if released on

bail, he may threaten witnesses or tamper with the evidence.

5. I have heard the submissions advanced by Ld. Counsel for the applicant and Ld. Addl. PP for the State and have perused the record.

6. The record reveals that the allegations against the present applicant are that he fired upon the complainant. However, it is not in dispute that during the Judicial TIP proceedings, the complainant failed to identify the present applicant/accused. Although the prosecution has stated that the complainant subsequently identified the applicant from the dossiers shown to him during investigation, the evidentiary value of such identification shall be tested during trial.

7. It is further noted that no weapon of offence has been recovered from the possession of the applicant or at his instance despite police custody remand. The applicant surrendered before the Court on 20.02.2026 and since then he is in judicial custody. The record also shows that the nature of injuries sustained by the complainant has been opined to be simple as per the final medical opinion. Though the State has contended that the investigation qua the applicant is still pending, it is also a matter of record that the co-accused Sidharth has already been chargesheeted and the matter is pending for prosecution evidence.

8. Without commenting on the merits of the case and considering the facts and circumstances of the case, particularly the failure of identification of the applicant in the Judicial TIP, the absence of recovery of weapon, the nature of injuries being simple, and the fact that the applicant is in judicial custody, **the application is allowed. The applicant/accused Sameer @ Dahiya is admitted to regular bail on furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of concerned Court/Ld. JMFC.**

9. Nothing expressed herein shall tantamount to be an expression of opinion on the merits of the present case and the observations in the present order are only for the purpose of deciding the bail application.

10. The application under Section 439 Cr.PC stands disposed of accordingly. Copy of this order be given *dasti* to learned counsel for the applicant/accused.

(SHREYA ARORA MEHTA)
JUDGE BAIL ROSTER
ASJ/SFTC-02(CENTRAL)
THC: DELHI : 04.04.2026