

29.08.2025

Present: Sh. Vikas-II, Ld. Addl. PP for State.
Sh. Bhupender Singh, Ld. Counsel for applicant /
accused.
IO SI Rakesh Kumar is present.

1. Present application u/s 483 BNSS has been moved seeking regular bail for the applicant / accused Faiyaz @ Alan who is facing allegations u/s 211/132/109(1)/3(5) BNS & 25/27/59 Arms Act.

2. Ld. Counsel for the applicant has submitted that no similar application is pending before any other court.

3. Reply filed. Copy supplied.

4. Brief facts of the case, as per reply filed by IO, are that on 02.03.2025, HC Naveen received secret information regarding a wanted criminal involved in a recent case of dacoity and murder in WPIA, Ashok Vihar, who was absconding and also in possession of illegal firearms. He was likely to reach Prembari Pul, Nehar, WPIA, Delhi, at around 9:30 pm to commit another crime. Accordingly, a joint raiding team was constituted comprising officers of Special Staff and PS Ashok Vihar. At about 10:30 pm, a suspect coming out of Shaheed Udham Singh Park was identified by the informer. On being signaled to

stop, he attempted to flee towards the railway track. During chasing, he fired one shot towards police party with a country made pistol but fortunately, no one was injured. In retaliation and self-defence, HC Naveen fired two rounds, one in the air and one on the leg of accused and apprehended the suspect. He was identified as Sahil and one country made pistol was recovered from him. During investigation, accused Sahil disclosed that the weapon had been supplied to him by one Faiyaz Alam. On further investigation, on 03.03.2025, accused Faiyaz Alam was arrested and he confessed that on 25.02.2025, he had supplied one country made pistol and two live cartridges to one Vishal and another pistol with three live cartridges to Sahil on the request of Vishal, for which he received Rs.12,000/- and Rs.3,000/- are remained outstanding. He further admitted that he had procured these weapons from one Rocky. After completion of investigation, charge-sheet was filed before the Court.

5. Ld. Counsel for applicant/accused argued on the line of bail application and submitted that applicant / accused has been falsely implicated in this case. Applicant / accused was arrested on 06.03.2025 and he is in JC since then. Ld. Counsel submits that the police report u/s 193 BNSS says that the applicant / accused was not present at the spot as the allegation against the applicant / accused is that he only sold the weapon i.e. desi katta by which co-accused Sahil fired upon the police party. Ld. Counsel submits that the offence is not of the highest magnitude and there is no punishment of extreme severity so the applicant / accused is entitled to be released on bail. Ld. Counsel submits that there is no likelihood of applicant / accused to interfere

with the evidence and witnesses. Ld. Counsel submitted that applicant / accused undertakes to appear on each and every date of hearing and shall abide by all the conditions if imposed by the Court.

6. Bail application is opposed by Ld. Addl. PP for State stating that allegations against the applicant/accused are serious in nature and he is involved in supply of illegal arms and ammunition to criminals in Delhi. Ld. Addl. PP submits that the weapon supplied to him was used by co-accused Sahil in firing at the police party, thereby endangering human life and public safety. If applicant / accused is released on bail, accused may again indulge in supplying arms and ammunition to criminals and may threaten or influence the witnesses.

7. Submissions heard. Record perused.

8. Admittedly, nothing was recovered from his possession and he has no criminal record. He was merely arrested on the disclosure statement of co-accused Sahil. There is no legally admissible evidence against the accused Faiyaz @ Alan since there is no recovery from him. Nothing has been placed on record to show that applicant/accused had supplied the arms to co-accused Sahil. In these circumstances, no purpose would be served by keeping him behind the bars. **The present application is hereby allowed and applicant is admitted to bail subject to condition of furnishing personal bond in sum of Rs. 15,000/- with surety in like amount with the following conditions :**

1) Applicant/accused shall appear before the Court on each and every date.

- 2) That applicant/accused shall not try to contact or influence, directly or indirectly, any of the witnesses;
- 3) That the accused / applicant shall intimate the Court in case of change of his address.

9. Observation made herein above shall not affect the merits of this case in any manner.

10. Application stands disposed off.

(MUNEESH GARG)
ASJ-03, N/W, ROHINI COURTS
DELHI/29.08.2025