

**IN THE COURT OF SH. MOHINDER VIRAT,  
ADDL. SESSIONS JUDGE-03/SPECIAL JUDGE (COMPANIES ACT)  
DWARKA COURTS, NEW DELHI.**

**Bail Appln. Reg. no.1266/2020  
State Vs. Giriraj Singh Tomar & Ors.  
(Applicant Pinku @ Abhishek)  
FIR No.252/2019  
PS : Dwarka North  
U/S : 307/120-B/34 IPC & 25/27 Arms Act**

**Hearing conducted through Video Conferencing -  
CISCO WebEx Meetings**

**ORDER  
11.08.2020**

Present: Sh. Girish Kumar Manhas, Ld. Addl. PP for the State.  
Sh. Ashish Upadhyay, Id. counsel for accused/applicant Pinku @ Abhishek.

This is an application under Section 439 CrPC moved on behalf of the applicant/accused for grant of regular bail.

Reply to the bail application has been filed on behalf of IO through email.

It is submitted by learned counsel for the applicant/accused that the applicant/accused is totally innocent and has been falsely implicated in this case by the police and that he is in custody since 23.07.2019. It is further submitted by learned counsel for the applicant/accused that co-accused persons namely Gulab and Narender have already been granted bail in this case and since the role of the applicant/accused is similar to that of co-accused persons namely Gulab and Narender, the applicant/accused also deserves to be released on bail on the ground of parity.

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Per contra, learned Addl. PP for the State has strongly opposed the prayer for grant of bail on the ground that case of the applicant/accused is not in parity with the co-accused persons as the applicant/accused alongwith co-accused Giriraj Singh Tomar had given gun shot injury to the victim Ms. Kiran Bala and they were also identified by PW2 Sh. Bhavil Sahani. It is further submitted that a pistol and five live cartridges were also recovered from the applicant/accused. Learned Addl. PP for the State has prayed for dismissal of the bail application.

Heard. Record perused.

Since the role of the applicant/accused is not on the same footing as that of the co-accused persons, namely Gulab and Narender, who have already been granted bail, as the applicant/accused was one of the main assailants who had given gun shot injury to the victim, the applicant/accused cannot not claim parity with the co-accused persons. Considering the facts and circumstances of the accused, I am not inclined to grant bail to the applicant/accused.

**Accordingly, the bail application is hereby dismissed.**  
Miscellaneous file of the present bail application be tagged with the main case file.

Order be also uploaded on the website.

**(MOHINDER VIRAT)**  
ASJ-03 & Special Judge (Companies Act)  
Dwarka Courts (SW)/New Delhi/11.08.2020