

**IN THE COURT OF SH. VINEET KUMAR
ASJ-02 (WEST), TIS HAZARI COURTS, DELHI**

CNR NO. DLWT01-000640-2014

SC No. 56534/2016

FIR No. 486/2013

PS Tilak Nagar

State Vs. Mukesh Kumar Soni (Rishu @ Sandeep)

u/s 302/120-B//201/174-A/34 IPC

09.10.2025

Present : Sh. Kamal Akhter, Ld. Addl. PP for the State.

Sh. Ali Mehndi, Ld. Counsel for applicant/accused.

1. By virtue of this order, this second application u/s 439 Cr. PC r/w 483 BNSS on behalf of applicant/accused Rishu @ Abhimanyu @ Sandeep seeking regular bail, which has emanated out of a pending trial before this court, shall be disposed of.

2. Reply to the bail application was filed, by virtue of which, the said application has been strongly opposed.

3. Ld. Counsel for applicant/accused has submitted that the present bail application pertains to a case pending before this court, where charges have already been framed against the applicant/accused, and the matter is now fixed for prosecution evidence; that applicant is languishing in JC since 15.01.2021; that applicant/accused has been falsely implicated in the present case only on the basis of the disclosure statements of co-accused persons; that nothing incriminating have been found against the applicant/accused; that co-accused persons namely Abhishek Singh and Mukesh Kumar Soni, both of whom played an active role in the alleged commission of crime, were also granted

regular bail by this court vide orders dated 04.12.2023 and 28.10.2024; that nothing has been recovered from the possession of applicant/accused or at his instance and the alleged role of firing attributed to the applicant is only on the basis of disclosure statement of applicant, which is not admissible in the eyes of law; that there is no other forensic evidence against the applicant/accused; that co-accused Mukesh Kumar, who was absconding during trial, has also been granted bail by the Hon'ble High Court of Delhi, therefore, the applicant is also entitled to be released on regular bail on the ground of parity. Thus, it is prayed that applicants may be released on regular bail in the interest of justice.

4. Per contra, Ld. Addl. PP for the State has opposed the present application by referring to the serious nature of allegations against the applicant as well as material available on record in the present case. Also, the application is opposed by Ld. Addl. PP for the State by stating that applicant has an active role in the offences committed in the present case, as he is the main accused who shot at the deceased. Further, it is stated that applicant/accused was absconding from 2013 to 2021. Thus, a prayer for dismissal of the bail application has been made on behalf of State.

5. Arguments heard on behalf of both sides. Record perused.

6. It is the case of the prosecution that the present case was registered on 30.09.2013, vide DD No. 16A, at 9:50 AM, when a PCR call was received regarding bullet shots inflicted upon unknown person near Tilak Nagar drain. IO/ASI Satbir Singh reached at the spot near plot no.8/34 Tilak Nagar, near

Ganda Nala (drain) where blood stains, two empty bullet cartridges and two bullet leads were found. On enquiry, it came into notice that two motorcycle borne unknown persons had shot a person and the injured was taken to the hospital in a police vehicle. IO/ASI Satbir Singh reached at DDU hospital and found a person admitted with gunshot injuries. On the same day of the incident, the injured Jitender Lamba was shifted to RML Hospital. On 17-10-13, the injured Jitender Lamba succumbed to injuries in the RML Hospital, so investigation of the case was further conducted u/s 302/34 IPC. Upon completion of investigation, charge sheet was filed against the applicants/accused persons u/s 302/34 IPC.

7. At the outset, allegations against the applicant/accused are grave and serious in nature, whereby the applicant is stated to have entered into a criminal conspiracy to commit murder of deceased and in pursuance thereof, in furtherance of common intention of all the accused persons, committed the said offence, as a result of which, applicant has been charged for the offences u/s **302/120-B//201/34/174-A IPC**. As far as specific role attributed to the applicant is concerned, applicant is stated to have given gunshot injury/wound to the deceased. Even though, it has been contended that aforesaid role ascribed to the applicant has come to the fore by way of disclosure statement only, but this court can't lose sight of the fact that the fire arm allegedly used in the present case, has been recovered from applicant's house upon the instance of a co-accused and importantly, the pellets found in the body of deceased had matched with the said recovered fire arm/weapon, as per the FSL analysis report. In addition to this, as per CDR/location report placed on record,

applicant seems to be present at the place of incident at the relevant time. Further, regarding the contention on behalf of applicant that co-accused persons have already been granted regular bail, therefore, applicant is also entitled to bail on the basis of parity, it may be stated that the said contention does not have any force, as the role of the applicant in committing the said offences is much more aggravated, as he is stated to have used . 32mm pistol and fired upon the deceased during the course of commission of crime and also said co-accused persons were granted bail on different considerations, primarily based upon the period of their custody so far, whereas, applicant has been in custody only since 15.01.2021, which is much less than what the other accused persons have gone through, as the applicant was absconding from 2013 to 2021, due to which he was also declared proclaimed offender. Moreover, long period of incarceration *ipso facto* cannot be the sole ground for grant of bail. In these circumstances, as stated above, this court does not find any grounds sufficient enough to consider grant of bail to the applicant, more so, as this court cannot lose sight of the audacity with which said offences have been committed.

8. Therefore, in the light of above discussion as well as considering the facts and circumstances of the case in totality, this court is not inclined to grant bail. **Thus, the present application seeking regular bail stands dismissed.**

Further, nothing stated hereinabove shall tantamount to any opinion on the merits of the case.

VINEET KUMAR
ASJ-02/ THC/West/Delhi
09.10.2025