

**Bail Application No. 542 / 2026**  
**Pawan Kumar Versus State (NCT of Delhi)**  
**FIR No.: 230/2025**  
**U/S: 109(1)/221/132/317(2)/3(5) BNS & 25/27 Arms Act**  
**PS: Special Cell**

18.03.2026

Present : Sh. Mukul Kumar, Ld. Addl. PP for the state.  
Sh. Takshay, Ld. Counsel for the applicant.  
SI Anita, on behalf of IO.

**ORDER ON SECOND BAIL APPLICATION U/S 483 BNSS, FOR GRANT OF  
BAIL OF APPLICANT / ACCUSED NAMELY PAWAN KUMAR**

**1. INTRODUCTION TO APPLICATION**

- 1.1. The present is a second bail application filed on behalf of the applicant/accused Pawan Kumar under Section 483 BNSS / Section 439 Cr.P.C. seeking regular bail in the above-mentioned FIR. The earlier bail application was dismissed vide order dated 22.12.2025.
- 1.2. The applicant is stated to be in judicial custody since 28.08.2025.

**2. PROSECUTION CASE :**

- 2.1. As per the prosecution, on 27.08.2025, based on secret information, two members of Hari @ Harry Boxer – Aarzo Bishnoi gang namely Kartik Jakhar and Kavish Phutela were apprehended after an exchange of fire. From their possession, two pistols, live cartridges, and a stolen motorcycle were recovered.
- 2.2. During investigation, it was allegedly revealed that gangster Hari @ Harry Boxer, operating from abroad, was involved in extortion activities. It is further alleged that the present applicant along with co-accused

Manoj Kumar was deputed as a shooter to execute a firing incident in Mohali.

2.3. The applicant was apprehended from a hotel room in Mohali, from where one pistol along with two magazines and fourteen live cartridges were allegedly recovered at his instance.

2.4. It is further the case of prosecution that electronic evidence such as WhatsApp chats, audio recordings, and video recordings of reconnaissance were found linking the accused persons with the alleged offence.

2.5. Chargesheet has been filed before the Ld. CJM.

### **3. EVIDENCE AGAINST THE ACCUSED**

3.1. The material against the applicant includes:

- a) Alleged recovery of one pistol and cartridges from his possession
- b) Disclosure statements of co-accused persons
- c) Alleged electronic evidence including WhatsApp chats, audio and video recordings
- d) Allegation of being a shooter for the gang

3.2. However, it is noted that:

- a) FSL report with respect to the recovered weapon and electronic evidence is still awaited
- b) Trial has not commenced and charges are yet to be framed

### **4. ARGUMENTS OF LD. COUNSEL FOR THE ACCUSED**

4.1. Ld. Counsel for the applicant has submitted:

- a) The applicant has been falsely implicated solely on the basis of disclosure statement of co-accused

- b) No independent recovery or credible evidence connects the applicant with the alleged offence
- c) The applicant has no direct role in the alleged incident
- d) He has been in judicial custody since 28.08.2025 (more than 6 months)
- e) The chargesheet has been filed, and no further custodial interrogation is required
- f) FSL report is still not filed, and trial is likely to take considerable time
- g) Charges are yet to be framed, and delay is attributable to prosecution
- h) Co-accused Baljeet Singh Saini has already been granted bail
- i) The applicant is a permanent resident and there is no likelihood of absconding

## **5. ARGUMENTS ON BEHALF OF STATE**

5.1. Ld. APP for the State has opposed the bail and submitted:

- a) The applicant is an active member/shooter of an organized crime syndicate
- b) He was apprehended along with illegal arms and ammunition
- c) The offence is grave involving extortion and planned firing
- d) There is sufficient incriminating material, including electronic evidence
- e) The applicant may influence witnesses or tamper with evidence
- f) The earlier bail application has already been dismissed on merits
- g) There is no change in circumstances

## **6. OBSERVATIONS OF THE COURT**

6.1. I have heard the submissions and perused the record.

6.2. It is an admitted position that:

- a) The applicant is in judicial custody since 28.08.2025
- b) Chargesheet has been filed, however, charges are yet to be framed
- c) FSL report is still awaited, which is a material piece of evidence
- d) Trial is yet to commence and is likely to take time

6.3. At this stage, the case of the prosecution is primarily based on:

- a) Disclosure statements
- b) Alleged recovery
- c) Electronic evidence (yet to be scientifically examined)
- d) The evidentiary value of disclosure statements is limited and will be tested during trial.

6.4. The Hon'ble Supreme Court in **Union of India vs. K.A. Najeeb** has held that prolonged incarceration and delay in trial can be grounds for granting bail even in serious offences.

6.5. Further, in **Prabhakar Tiwari vs. State of U.P.**, it has been held that gravity of offence alone cannot be the sole ground for denial of bail.

6.6. The principle of parity, as laid down in **Bhoora vs. State of U.P.**, also merits consideration.

6.7. In the present case:

- a) The applicant has undergone substantial custody;
- b) FSL report is still not filed and may take further time;
- c) Charges have not yet been framed; and
- d) Continued incarceration without progress in trial would be unjustified.

6.8. Without commenting on merits, this Court is of the opinion that the applicant has made out a case for grant of bail. However, considering the seriousness of allegations, stringent conditions are warranted.

**7. FINAL ORDER**

7.1. Accordingly, the present bail application is **allowed**.

7.2. **The applicant/accused Pawan Kumar is admitted to bail on furnishing Personal bond of ₹50,000/- with one surety of like amount subject to the following conditions:**

- a) The applicant shall not leave the country without prior permission of the Court.
- b) The applicant shall appear before the Trial Court as and when required.
- c) The applicant shall not tamper with evidence or influence witnesses.
- d) The applicant shall not indulge in any criminal activity.
- e) The applicant shall provide his mobile number and keep it operational at all times.

7.3. Nothing stated herein shall be construed as an expression on the merits of the case.

7.4. Copy of the order be sent to Jail Superintendent concerned and be also given dasti.

**(SAURABH PARTAP SINGH LALER)**  
**ASJ-05/New Delhi District**  
**PHC / New Delhi / 18.03.2026**