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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 1303/2025 & CRL.M.(BAIL) 1951/2025**
SAGAR @ DANNYAppellant

Through: Mr.Prashant Mehta, Mr.Charanpreet
Singh and Mr.Pranav Singh, Advs.

versus

STATE NCT OF DELHIRespondent

Through: Mr. Ritesh Kr. Bahri APP for State
with Ms. Divya Yadav, Adv.,
Inspector Imtiyan Alam, PS Bawana.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **18.09.2025**

CRL.M.A. 27998/2025(Seeking exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application is disposed of.

CRL.A. 1303/2025

3. The present appeal has been filed under Section 415(2) read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, assailing the Judgment dated 09.06.2025 and Order on Sentence dated 08.07.2025 passed by the learned Additional Sessions Judge/Special Judge (NDPS), North District, Rohini Courts, Delhi, in Sessions Case No. 17/2016 arising out of FIR No. 290/2016 filed under Section 302 of the Indian Penal Code, 1860 (IPC) and Sections 25/27 Arms Act, 1959, registered at Police Station, Bawana, Delhi.

4. Learned counsel for the appellant submits that *vide* the Judgment of Conviction dated 09.06.2025, the appellant is convicted for commission of offences punishable under Section 302 of the IPC and Sections 25/27 of the



Arms Act, 1959 and by the Order on Sentence dated 08.07.2025, he is sentenced as under:

- i. *For offence punishable under Section 302 of the IPC, he has been sentenced to undergo Rigorous Imprisonment for Life and to pay a fine of Rs. 10,000/-, in default whereof, to further undergo Simple Imprisonment for a period of three months.*
- ii. *For offence punishable under Section 25 of the Arms Act, he has been sentenced to undergo Simple Imprisonment for period of 5 years and to pay a fine of Rs. 2,000/-, in default whereof, to further undergo Simple Imprisonment for a period of one month.*
- iii. *For offence punishable under Section 27 of the Arms Act, he has been sentenced to undergo Simple Imprisonment for period of 5 years and to pay a fine of Rs. 2,000/-, in default whereof, to further undergo Simple Imprisonment for a period of two months.*

Furthermore, it was directed that all the sentences shall run concurrently and the benefit under Section 428 of the Code of Criminal Procedure, 1973 (CrPC) was granted to the appellant.

5. Learned counsel submits that the impugned Judgment of Conviction suffers from grave infirmities as the prosecution has withheld material witness Vinay (shop owner). He also submits that the statement of PW-1 is inconsistent and contradictory. Furthermore, no independent public witnesses were joined either at the spot or during the alleged pistol recovery from a public place.

6. Admit.

7. Learned APP for the State accepts admission of appeal.



8. Let the Trial Court Record, in digital form, be requisitioned before the next date of hearing.

9. List in due course.

CRL.M.(BAIL) 1951/2025

10. The present application has been filed under Section 430 read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* seeking suspension of sentence and release of the appellant on bail during the pendency of the appeal.

11. Issue notice.

12. Learned APP for State accepts notice and seeks time to file reply.

13. Let reply be filed before the next date of hearing with advance copy to the opposite side.

14. The Nominal Roll of the appellant be also called, from the concerned Jail Superintendent, before the next date of hearing.

15. In view of the directions passed by the Supreme Court in the case of “*Kaushal Singh vs. The State of Rajasthan*” 2025 SCC OnLine SC 1473, decided on 18.07.2025, let an affidavit be placed on record by the learned counsel for the appellant, before the next date of hearing, thereby stating about the past involvement of the appellant in criminal case(s), if any, registered against him, containing all the particulars of the said case(s).

16. List on 08.10.2025.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

SEPTEMBER 18, 2025/rs/kp