

**IN THE COURT OF MR. HARGURVARINDER SINGH JAGGI,
ADDL. SESSIONS JUDGE (FTC– 01), SOUTH DISTRICT, SAKET
COURTS, NEW DELHI**

Bail Matter No:	1623/2026	
CNR No.:	DLST01-008784-2026	
FIR No.:	123/2026	
Police Station:	Neb Sarai	
u/Section:	109(1), 3(5), 61(2), 238 BNS 25, 27 Arms Act	

IN THE MATTER OF:

STATE

... Non-Applicant

Through – Mr. Santosh Kumar, Additional
Public Prosecutor for the State.
Mr. Narender Vashisht,
Advocate for complainant
through VC & complainant in
person

v.

NEERAJ ALIAS BHARAT

... Applicant

Through – Mr. M.L. Chaudhary Advocate
for the Applicant.

Date of filing of bail application:	30.07.2026
Date of reserving order:	03.09.2026
Date of pronouncement of order:	07.09.2026

ORDER

07.09.2026

1. The applicant, Neeraj alias Bharat (Neeraj/applicant) has moved an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail after the filing of the chargesheet, arising out of FIR No. 123/2026, registered on 19.03.2026, at Police Station Neb Sarai, South Delhi, for the commission of offences punishable under Sections 109(1), 61(2), and 238 of the Bharatiya Nyaya Sanhita (BNS), 2023, read with Sections 25 and 27 of the Arms Act, 1959.

2. The applicant/accused was arrested on March 21, 2026, from Goa, and has been in continuous judicial custody since.

Facts

3. Brief facts of the prosecution's case, as emerging from the FIR and the chargesheet, are that on 18.03.2026, at about 15:51 hrs, a PCR call was received regarding a gunshot incident near House No. 152/153, A-Block, J.J. Colony, Khanpur, New Delhi within PS Neb Sarai.

4. On reaching the spot, the police found that the complainant, Rajesh @ Bunty, S/o Late Asharam, had sustained multiple gunshot injuries on his right arm and the right side of his chest, and was already shifted to Max Hospital, Saket. The attending doctors at the hospital obtained MLC No. 6070/2026, recording three distinct circular gunshot wounds on the proximal arm and medial aspect of the distal arm, indicating a pre-planned, violent ambush with a firearm.

5. The prosecution alleges that co-accused Praveen, the shooter had deep-seated personal animosity with the complainant Rajesh @ Bunt due to past local altercations. It is further alleged that co-accused Praveen and the applicant Neeraj @ Bharat hatched a criminal conspiracy to murder Rajesh. In furtherance of their common intention, they procured a country-made pistol with live ammunition from one Shadab Qureshi for a cash consideration of ₹70,000/-, and Neeraj additionally paid ₹10,000/- for logistics. Neeraj arranged the getaway Splendor motorcycle, helmets, and green and black raincoats to conceal their identities.

6. On the afternoon of 18.03.2026, Neeraj drove the Splendor motorcycle with Praveen as the pillion rider. Upon spotting the complainant riding his scooter, Praveen opened fire, chasing him physically and shooting him, after which both accused fled on the motorcycle towards Pul Prahladpur.

Submission by learned Counsels

7. Mr. M.L. Chaudhary learned counsel for the applicant opened his arguments in tandem with the averments made in the bail application. The learned counsel at length read out the contents of the FIR, bail application, supporting documents and the case laws seeking grant of bail to the applicant.

8. The learned counsel for the applicant submitted that with the chargesheet already filed and the case stands committed for trial before the Court of Sessions, this Court will appreciate that there is absence of direct incriminating evidence and ocular identification. The

learned counsel urged that the prosecution's case rests entirely on CCTV video footage showing two helmet-wearing, masked, and raincoat-clad individuals on a Splendor motorcycle. The learned counsel further urged that at no point is the applicant's face visible or identifiable in any of the footage collected from the spot or the transit route.

9. Mr. Chaudhary contended that the applicant was arrested from Goa on 21.03.2026. It is an admitted position of the prosecution that no weapon, live ammunition, motorcycle, or any incriminating article was recovered from the physical possession of the applicant or at his active instance during his arrest or subsequent police custody remand. All weapons and materials were recovered from co-accused persons or third locations.

10. The learned counsel for the applicant submitted that Neeraj has been roped in on the basis of false accusations solely on the basis of disclosure statements made by co-accused, Praveen in police custody. The learned counsel further submitted that such confessions, in the absence of independent, corroborative physical evidence linking the applicant directly to the commission of the offence, hold no legal value at this stage of bail adjudication.

11. Mr. Chaudhary urged that one of the co-accused, Shadab Qureshi, who was similarly implicated as the individual who allegedly procured and supplied the weapon of offence for ₹70,000/-, was granted regular bail by this Court *vide* order dated 09.06.2026 in ***Bail Matter No. 1209/2026***. The learned counsel further urged that since

the investigation is complete, the chargesheet has been filed, and the applicant stands on a virtually identical evidentiary footing implicated via disclosure without direct recovery of weapons, the applicant is fully entitled to the benefit of parity and therefore releasing him will ensure judicial consistency by the Court.

12. Mr. M.L. Chaudhary, learned counsel for the applicant submitted that the subject FIR is nothing but a ruse and false implication rooted in prior disputes and animosity. The learned counsel further submitted that the complainant, Rajesh @ Bunty, has active personal animosity and friction with the local residents of J.J. Colony, Khanpur. The present FIR is a retaliatory and motivated complaint designed to harass the applicant's family, deeply linked to ongoing local disputes, including prior complaints under FIR No. 101/2026 and FIR No. 471/2026 (registered under the POCSO Act).

13. Towards the end, Mr. Chaudhary, learned counsel for the applicant, urged that the applicant is a 29-year-old young man and the sole breadwinner of his family, comprising his elderly parents who are financially dependent on him. He has been in continuous judicial custody since 21.03.2026, having undergone over 165 days of incarceration. The learned counsel further urged that since the primary chargesheet is already filed, further pre-trial detention serves no investigative or preventive purpose and would violate his fundamental right to liberty under Article 21 of the Constitution of India, in line with the landmark ruling in *Sanjay Chandra v. CBI - 2011 INSC 819*.

The applicant has deep roots in the society and represents no flight risk if enlarged on bail.

14. *Per contra*, Mr. Santosh Kumar, learned Additional Public Prosecutor (APP) submitted that this is not a fit case for bail as urged by the learned counsel for the applicant. The learned APP further submitted that the present case at hand is of a grave and heinous nature regarding a premeditated attempt to murder.

15. Mr. Kumar, learned APP for the State submitted that the incident dated 18.03.2026 was a cold-blooded, highly planned attempt to murder the complainant, Rajesh @ Bunt. The assailants fired multiple gunshots, inflicting grievous gunshot wounds on the complainant's right arm and the right side of his chest. The offence under Section 109(1) of the BNS carries life imprisonment, highlighting the severity of the charge.

16. The learned APP for the State further submitted that the active operational role of a conspirator and get-away driver is attributable to the accused, Neeraj. The learned APP further submitted that while co-accused Praveen was the pillion rider, who physically pulled the trigger, the applicant, Neeraj @ Bharat, was the mastermind who drove the getaway Splendor motorcycle, arranged the logistics, and coordinated their escape.

17. Mr. Kumar, learned APP for the State submitted that the police undertook investigation in a free, just and fair manner. The learned APP submitted that there exists interlocking CCTV and digital

footprint about the act of get-away and change of clothes after commission of alleged crime. The learned APP for the State submitted that through technical surveillance and CCTV logs from three separate cameras along MB Road, Pul Prahladpur, and Sangam Vihar completely destroy the defence' plea of non-involvement.

18. At the behest of the learned APP for the State and concurrence of the learned Counsel for the applicant, the incriminating video (read as material) filed along with the chargesheet were played during the course of hearing on 03.09.2026. The learned APP drew attention of the Court to the relevant time stamps of the videos as follows:

15:51:07: The Splendor bike driven by Neeraj, wearing a green raincoat and helmet and carrying Praveen wearing a black raincoat and helmet is seen tracking the complainant's scooty.

15:51:09: Praveen fires at Rajesh.

16:09:20 – 16:11:36: Post-incident CCTV captures the duo parking the bike near a wall near Pul Prahladpur PS, going behind, removing their helmets, raincoats, and grey/black shorts to avoid police checkpoints.

16:14:14: Neeraj is captured on camera fleeing the spot via a public bus, wearing a mask and a black T-shirt with the number 66 printed in white on the back. The discarded raincoats and helmets matched the CCTV footage.

19. Mr. Kumar, learned APP for the State urged that the applicant poses a serious flight risk as he was arrested in Goa. The learned APP for the State further urged that the accused Neeraj and Praveen's conspiracy involved a pre-planned *alibi*. Both accused intentionally left their active personal mobile phones in Delhi with a friend, to create a false digital footprint and dodge GPS/tower location tracking. The learned APP for the State submitted that immediately after executing the shooting, the applicant fled to Goa to evade arrest. He was only apprehended on 21.03.2026 following a highly coordinated chase by the South District police team, showing a clear flight risk and conduct of abscondence.

20. Mr. Kumar, learned APP for the State submitted that the principle of parity is wholly inapplicable to the present case. The learned APP further submitted that the applicant cannot claim parity with Shadab Qureshi. Shadab was merely a distant supplier implicated via a secondary chain of disclosures. The learned APP further submitted that on the other hand, the applicant was physically present at the crime scene, drove the getaway bike, and actively coordinated the destruction of evidence, throwing the pistol into the Chirag Delhi drain and abandoning the bike. The learned APP submitted that the *principle of parity* cannot be claimed mechanically where roles are fundamentally distinct, as held in ***State of Karnataka v. Sri Darshan – 2025 INSC 979*** and ***Sagar v. State of U.P. – 2025 INSC 1370***.

21. Mr. Santosh Kumar, learned APP for the State concluded his submissions by urging that the applicant resides in the same locality,

Khanpur JJ Colony, as the complainant and knows his address. Releasing him on bail while material public witnesses are yet to be examined in the sessions trial poses an imminent and direct danger of witness intimidation, harassment, and trial derailment.

Analysis & Findings

22. On careful perusal of the application, reply/objections filed by the IO and weighty arguments advanced by the learned counsel for the parties, the Court has to answer the question, whether the applicant, Neeraj alias Bharat can be granted the relief of regular bail as sought?

23. At the stage of granting of bail, only a *prima facie* case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. The bail order should reveal the factors that have been considered by the Court for granting relief to the accused – ***See Ajwar v. Waseem & Anr. – 2024 INSC 438, pp.28.***

24. The Hon'ble High Court of Delhi in ***Shaveta Kataria v. State Govt. of NCT of Delhi & Anr. – 2025 DHC 8043*** while relying upon the law reports of the Apex Court in ***Brijmani Devi v. Pappu Kumar & Anr. – (2022) 4 SCC 497*** and ***Mahipal v. Rajesh Kumar @ Polia – (2020) 2 SCC 118*** observed that the law is well settled that bail proceedings are not intended to mirror the evidentiary rigour of a full-fledged trial. To engage in a detailed assessment of competing versions at this stage would risk converting the bail hearing into a mini-trial, something courts are consistently cautioned against.

25. The Apex Court has held in the catena of law reports that bail is a discretionary relief, to be granted or denied based on the specific facts and circumstances of each case. The Apex Court in its landmark judgment of ***Prasanta Kumar Sarkar v. Ashis Chatterjee and Anr.*** – **2010 INSC 752**, laid down the following *legal principles*:

- (i) Whether there is any *prima facie* or reasonable ground to believe that accused had committed the offence;
- (ii) Nature and gravity of the accusation;
- (iii) Severity of the punishment in the event of conviction
- (iv) Danger of the accused absconding or fleeing, if released on bail;
- (v) Character, behaviour, means position, and standing of the accused;
- (vi) Likelihood of the offence being repeated;
- (vii) Reasonable apprehension of the witnesses being influenced, and
- (viii) Danger, of course, of justice being thwarted by grant of bail.

26. The principle that the Court need not weigh the material brought on record to prove the accusations beyond doubt is well-settled. However, in the present case, a detailed comparison of the physical and electronic evidence reveals certain undeniable, objective factual links termed giveaway facts that completely devastate the applicant's plea of innocence and false implication at this *prima facie* stage.

27. First, regarding co-accused Praveen, the shooter, the scientific and physical linkage established by the prosecution is ironclad. In the morning of 18.03.2026, at 11:23:00 Hrs, a private CCTV camera (under File No. video6269132392082972612) clearly captured Praveen walking in the locality wearing a black cap, a yellow T-shirt, grey trousers, and white shoes. During the shooting incident at 15:51 Hrs, he was wearing a black raincoat and a helmet to conceal his identity. However, post-incident CCTV cameras near Pul Prahladpur PS captured Praveen at 16:11:36 Hrs taking off his black raincoat and helmet near a wall, revealing the exact same yellow T-shirt, grey trousers, and white shoes he was seen wearing in the morning. He was subsequently seen boarding a public bus to escape while wearing these identical garments.

28. Second, and most crucially, a highly similar giveaway fact, which implicates the present applicant, Neeraj alias Bharat, as the getaway driver. Post-incident CCTV footage from Pul Prahladpur PS (FileNo.5218031_nvr_20260318160806_20260318162000_46283198 .mp4) at 16:14:14 Hrs captured Neeraj fleeing the scene, wearing a mask, a black T-shirt with the white printed number 66 on the back, and grey/black shorts.

29. Crucially, the camera captured a commonality of wearing slippers (*chappals*) by Neeraj, which perfectly matched his physical surveillance profile and clothing logs from earlier in the day. The discarded raincoats and helmets recovered from the jungle area along MB Road, coupled with the getaway Splendor motorcycle left on the

footpath near Pul Prahladpur, form a continuous, unbroken chain of physical and visual evidence. The commonality of wearing slippers by Neeraj, matching his morning transit and escape profiles, serves as an undeniable factual link establishing his active participation.

30. This Court finds that the argument of parity with co-accused Shadab Qureshi is completely fallacious and legally unsustainable. Shadab Qureshi was a distant conspirator whose role was confined to the secondary supply of the weapon of offence, and he was not present at the crime scene. In contrast, the present applicant was physically present at the spot, drove the getaway vehicle, directly facilitated the execution of the shooting, and took active steps to destroy evidence by discarding raincoats, throwing the firearm into the Chirag Delhi drain, and fleeing to Goa.

31. The Hon'ble Supreme Court of India in ***State of Karnataka v. Sri Darshan – 2025 INSC 979*** and ***Sagar v. State of U.P. – 2025 INSC 1370*** held that the *principle of parity* cannot be applied mechanically where the roles, active participation, and subsequent conduct of the accused are fundamentally distinct and graver in nature.

32. Lastly, the Court cannot wish away and ignore the concerns of dissuading the prosecution witnesses and threats to the complainant, who lives in the same neighbourhood and thus the desirability of the Court to grant regular bail to the applicant is at its lowest ebb – See ***Ashok Dhankad v. State of NCT of Delhi and Anr. – 2025 INSC 974***.

Decision

33. In view of the above deliberations and observations, the Court does not find merit and declines to grant regular bail to the applicant, Neeraj alias Bharat at this stage. Accordingly, the bail application moved by the applicant titled as ***State v. Neeraj alias Bharat – Bail Matter No. 1623/2026*** is dismissed.

34. Any observation made here-in-above for the purpose of dealing with the contentions raised during the hearing of the bail application shall not be deemed to be an expression on the merits of the case.

35. Let a copy of this order be transmitted to the applicant, through the concerned Jail Superintendent and also given *dasti* to the applicant through counsel. Further, let a copy of the order be transmitted to the concerned IO/SHO, police station Neb Sarai, for information and necessary compliance, if any.

Pronounced in the open Court on September 07, 2026	(Hargurvarinder Singh Jaggi) Addl. Sessions Judge (FTC-01) South District Saket Courts, New Delhi
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Note: This order comprises of 13 pages in total. The electronic signature certificate (digital signature) of the Presiding Officer has been appended on the last page of the electronic or digital copy (PDF) of this document.