

2026:DHC:7634



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 08.09.2026

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CNR No. DLHC010422102026

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BAIL APPLN. 3726/2026 & CRL.M.A. 27697/2026

GOURAV YADAV @ VISHU

.....Petitioner

Through: Mr. R. K. Singh, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with Inspector Yogesh Kumar and SI
Sukram Pal, PS Shahdara.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks bail in case FIR No. 238/2025 of PS Shahdara for offence under Section 109(1)/3(5) of BNS and Section 25/27 of Arms Act.
2. Broadly speaking, prosecution case is as follows. On 27.06.2025, the injured Naresh and his colleague plumber Praveen had a fight with the accused/applicant and his associates, in which the injured Naresh was beaten up with *danda* and the present accused/applicant fired at Naresh but the shot

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misfired, after which all accused persons fled the spot. The injured Naresh was discharged from the hospital after medical treatment within two hours.

3. Learned counsel for accused/applicant contends that the accused/applicant is innocent but is in custody since 08.07.2025, without any cogent evidence against him and till date, even charge has not been framed.

4. Learned APP for State assisted by IO/SI Sukram Pal accepts notice and strongly opposes the bail application on the ground that the pistol allegedly used in the offence was recovered at the instance of the accused/applicant and one live cartridge and one empty shell also was recovered from the spot.

5. Of course the appreciation of facts shall be done by the trial court at appropriate stage, but for present purposes, one finds it difficult to understand as to how a live cartridge would fall on the spot and where is the dent caused by the fired bullet. On the latter aspect, the IO submits that “perhaps” the shot was fired in the air. But if that be so, it goes contrary to rest of the case of the prosecution.

6. In such circumstances, I do not find it appropriate to detain the accused/applicant further in jail. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his

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furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court/Duty Magistrate.

7. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

8. Accompanying application also stands disposed of.

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**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 08, 2026/dr