



\$~42

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 16.01.2026

+ **BAIL APPLN. 176/2026 & CRL.M.A. 1497/2026**

SANDDEP @ CHAMANPetitioner

Through: Mr. Pramod Kumar, Advocate

versus

STATE OF NCT DELHI & ANR.Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Renu, PS Wazirabad

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No.490/2025 of PS Wazirabad, Delhi for offence under Section 109(1)/3(5) BNS & 25/27 Arms Act. Learned APP has submitted status report across the board, which is accepted to be scanned and made part of the record.
2. Despite repeated directions that when the IO is on leave, at least the concerned SHO should appear with the investigation file to assist the learned prosecutor, in this case again, neither the IO/SI Heera Lal nor the SHO Inspector Amit Kumar has appeared. The local police has opted to send one SI Renu only. This has to be now deprecated strongly. In the absence of the



Investigating Officer or the SHO, adjourning the bail matters would certainly be wrong by adding to the incarceration period of the accused. Repeatedly such directions were sent to the concerned DCPs by way of judicial orders. It seems that those orders were not placed before the concerned DCPs. The issue of liberty of an individual cannot be handled insensitively. **Copy of this order be sent to the Commissioner of Police for information and necessary action.**

3. The present case is on a similar footing. In view of overall circumstances of the case, I find no reason to adjourn the matter just because the IO and the SHO opted not to appear to assist the prosecutor. Not only this, even from the order passed on the bail application of co-accused Ishant (*copy of which bail order dated 08.01.2026 has been produced by the learned counsel for accused/applicant*) it appears that at that time also IO/SI Heera Lal opted not appear to assist the prosecution, so the matter was heard and decided, granting bail by way of elaborate reasons.

4. Broadly speaking, prosecution case is that on 01.07.2025 at about 02:00am, the complainant *de facto* heard commotion outside his home, so he came to the balcony and saw the co-accused Shibu standing outside with a pistol, and he fired twice at the complainant *de facto* with the intention to kill but the complainant *de facto* saved himself by running inside. After that co-accused Shibu went away. The local police on arriving at the spot found two empty shells and bullet dents. According to the status report filed today, "*During the course of the investigation the complainant and his daughter*



told that the alleged Shibu came at the complainant's house with another boy namely accused/applicant Sandeep. The CCTV cameras were analysed nearby the complainant's house, wherein two boys were roaming nearby by the complainant's house, who were identified by the complainant as Shibu @ Anurag and his friend applicant Sandeep."

5. Learned counsel for accused/applicant submits that the accused/applicant has been falsely implicated. It is also submitted that co-accused Ishant, who also has been ascribed same role as the accused/applicant in the present case, has already been granted bail by this Court on 08.01.2026.

6. On being called upon to show the said CCTV footage, SI Renu stated that CCTV footage has been sent to FSL and cannot be produced. In the course of hearing on the bail application of Ishant, there was no mention of any such CCTV footage. In the cases where the investigator finds it expedient, he/she produces a copy of such footage. This is the reason that presence of the IO or the SHO would have thrown some more light.

7. At this stage, in the course of dictation of this order, SI Renu has produced the alleged CCTV footage in mobile phone. The same has been examined by me as well as by learned APP for State. No clear face is visible in the said CCTV footage.

8. Be that as it may, merely because the accused/applicant was seen roaming around in the area near the spot, does not attract his complicity in the offence to the extent of curtailing his liberty. Moreover, the complainant



2026:DHC:379



de facto in his complaint does not even whisper about presence of anyone else with the co-accused Shibu.

9. There is no reason to deprive the accused/applicant liberty any further. The Bail Application is allowed and accused/applicant is directed to be released on bail, subject to his 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. Accompanying application also stands disposed of.

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

**GIRISH KATHPALIA
(JUDGE)**

JANUARY 16, 2026/as