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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 448/2025**

ARMAN

.....Petitioner

Through: Mr. Saurabh Gupta, Advocate

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for
the State.

Mr. Lalit Rana, Advocate for
complainant.

Insp. Mahendra Kumar, P.S: Shahbad
Dairy.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

22.05.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 439 of the Cr.P.C (Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023) read with Section 482 of the Cr.P.C. (Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) seeks regular bail in case FIR No. 442/2020, under Sections 302/34 of the IPC, registered at P.S. Shahbad Dairy.
3. The case of the prosecution as per the status report dated 24.03.2025 authored by Inspector Rajesh Malik, SHO, P.S. Shahbad Dairy is that on 03.09.2024, an information *vide* DD No. 93A was received with regard to a dead body lying near Prahlad Pur School. The same was marked to the concerned police personnel from P.S. Shahbad Dairy, and after the said official had reached the place of occurrence, one dead body of a male was



lying in a pool of blood, thereafter, the present FIR was registered and the investigation was taken up. During the course of investigation, the body was identified by PW-2, Hari Dev, as that of his son, namely, Dharmender @ Raj. Thereafter, the statement of PW-2 was recorded, where he expressed his suspicion on the present applicant as the deceased used to like the applicant's sister and the latter had threatened him to not follow his sister.

4. During further investigation, the shop owner, namely Santosh Kumar Gupta (PW-6), who was the employer of the deceased was interrogated. He gave a statement, in which he stated that on 03.09.2020 at around 3:40 P.M., the deceased had got a call and when he asked about the person who called him, he had stated that it was the applicant who had called him for a meeting. Subsequently, the present applicant was arrested and sent to judicial custody on 04.09.2020.

5. Learned counsel appearing on behalf of the applicant submits that the initial statement given by the father of the deceased, i.e., PW-2 was to effect that the applicant had threatened the deceased that not to call his sister. However, during the course of examination he changed the story to say that the applicant had borrowed a sum of Rs. 20,000/- from the deceased, and when he demanded return of the same, the applicant started threatening him. It is submitted that PW-4, the shop owner, who has given a statement to the police has also been recorded, however, he did not support the case of the prosecution at this stage. It is further submitted that the applicant has been in custody since 05.09.2020 and he has no previous involvements in any other offence and the trial is not likely to be concluded soon.

6. *Per contra*, learned APP for the State assisted by learned counsel for complainant submits that as per the case of the prosecution, the deceased was



last with the applicant, as per the statement given by the shop owner, PW-4, who states that the deceased had told him that he got a call from Arman, i.e., the present applicant who is going to meet him. It is further submitted that the alleged weapon of offence i.e., the sword has been recovered at the instance of the applicant and as per the FSL report, the blood on the same has matched with that of the deceased. The samples from the blood stained clothes of the applicant which were seized have also matched with the blood samples of the deceased.

7. Heard the learned counsel for the parties and perused the records.

8. The present case is of circumstantial evidence. Admittedly, there are no eye witnesses to the incident. It is noted that PW-4 was cited to prove one such circumstance who has not supported the case of the prosecution. PW-5, Virender i.e., brother of the deceased who was examined before the learned Trial Court had stated that he had no suspicion on anybody and he did not support his father's version. The circumstances which have been alleged by the prosecution are a matter of trial which shall be determined by the learned Trial Court after examining the material and evidence on record.

9. The applicant has been in custody since 05.09.2020. The prosecution has cited 26 witnesses out of which 7 witnesses have been examined so far. The applicant is not previously involved in any other offences.

10. Nominal Roll dated 17.03.2025 received from the Office of Superintendent, Central Jail No. 10, Rohini, shows that the applicant is in custody since 05.09.2020, and as on 15.03.2025, he has undergone incarceration for a period of 4 years 6 months and 11 days.

11. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a



personal bond of Rs. 25,000/- with two sureties of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
12. The application is allowed and disposed of accordingly.
13. Pending application(s), if any, also stand disposed of.
14. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
16. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 22, 2025/PU/sc

[Click here to check corrigendum, if any](#)