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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 511/2025**

JASPAL SINGH @ MONTY

.....Petitioner

Through: Ms. Anuradha Kaushik, Mr. Shanu Bhagel, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State with Ms. Shehnaz Kha, Advocate along with Insp. Amit, PS BHD Nagar
Insp. Vikas Malik, PS Model Town
Mr. Prashant Manchanda, Mr. Angad Singh, Ms. Isha Baloni, Advocates for Complainant

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.05.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from FIR No. 433/2021, registered under Sections 323, 341, 506 and 34 of the Indian Penal Code, 1860³ at P.S. Model Town. Subsequently, chargesheet was filed against the Applicant under Sections 302/506 IPC.

2. Briefly stated, the facts of the case are as follows:

¹ "BNSS"

² "Cr.P.C."



2.1. On 20th July, 2021, upon receiving a PCR call *vide* DD No. 75A and 78A, ASI Jeet Singh, accompanied by HC Girish Chandra, proceeded to the scene of the incident at House No. 3/3, Double Storey, Vijay Nagar, Delhi. Upon arrival, it was ascertained that the victim, Vinod Kumar Chaubey, involved in the altercation, had already been taken to Hindu Rao Hospital for medical treatment. ASI Jeet Singh made efforts to locate eyewitnesses at the spot, however, none could be found.

2.2. ASI Jeet Singh then proceeded to Hindu Rao Hospital, leaving HC Girish Chandra at the spot. At the hospital, he found that the victim was undergoing treatment under MLC No. 2034/21. Although the ASI tried to obtain the victim's statement, the attending doctor declared him unfit to give a statement.

2.3. On inquiry, it was revealed that the victim had been referred to Safdarjung Hospital. On 21st July, 2021, ASI Jeet Singh visited Safdarjung Hospital and met the son of the victim, Prem Kumar (the Complainant), who was also an eyewitness to the incident. His statement was recorded.

2.4. In his statement, Prem Kumar alleged that on 20th July, 2021, around 9:00 P.M., he was at home in Vijay Nagar, when the victim was on his way from work to home. Near their residence, the Applicant, a known miscreant in the locality, stopped the victim and began assaulting him. The Complainant rushed to save his father, and saw the Applicant kicking, punching, and throwing his father to the ground, while shouting: "Vinod Chaubey, you have become very arrogant; today I will finish your arrogance."⁴ In an intoxicated state, the Applicant continued to strike the

³ "IPC"

⁴ Translated copy of the FIR, as annexed with the petition



victim on his head, eyes, and stomach. The Applicant warned the Complainant to take his father away, threatening that if they were seen again in the locality, he would kill them. The Complainant somehow managed to rescue his father and took him to Hindu Rao Hospital, from where he was referred to Safdarjung Hospital. On the basis of this statement, the present FIR was registered under Sections 323/341/506/34 IPC, and the Applicant was arrested.

2.5. During the investigation, ASI Jeet Singh prepared a site plan based on the location identified by the Complainant, and attempted to trace eyewitnesses by examining nearby CCTV cameras. However, no CCTV footage could be retrieved from the vicinity, and no eyewitnesses were found.

2.6. The victim was discharged from the hospital on 24th July, 2021, with doctors advising 6-7 months of home care for recovery. While ASI Jeet Singh attempted to record the victim's statement, he remained medically unfit. However, the statement of the victim's wife, Geeta Devi, was recorded. She corroborated the Complainant's version and alleged that the Applicant had assaulted her husband. Consequently, Section 307 IPC was added to the case.

2.7. Subsequently, the victim's condition worsened and he was readmitted to Safdarjung Hospital, where he succumbed to his injuries on 31st July, 2021. Accordingly, the charge under Section 307 IPC was converted to Section 302 IPC.

2.8. As per the post-mortem report, the cause of death was determined to be cranio-cerebral damage resulting from antemortem injury sustained on the head, which was opined to be sufficient in the ordinary course of nature



to cause death.

2.9. Based on the foregoing, chargesheet was filed against the Applicant under Sections 302 and 506 of the IPC.

3. Counsel for the Applicant urges the following grounds, seeking grant of bail:

3.1. There is no incriminating material on record to establish the Applicant's involvement in the alleged offence. The FIR was lodged at the behest of the Complainant with *mala fide* intent, and in a conspiracy hatched in connivance with certain police officials.

3.2. At the time of admission, the victim's injuries were superficial in nature, with no external injuries noted on his body. He was discharged from the hospital in a stable condition and was placed on medication. The victim's demise occurred nearly a week after his discharge, thereby breaking the causal link between the alleged assault and the subsequent death.

3.3. The Applicant has been in judicial custody since 2021. The investigation in the present case is complete, and the chargesheet stands filed. In such circumstances, the continued detention of the Applicant will not serve any fruitful purpose.

3.4. The Applicant was previously granted interim bail on medical grounds. During this period, he fully complied with all conditions, did not approach or influence any witnesses, and surrendered in accordance with the court's directions. Therefore, there is no apprehension of witness intimidation or tampering with evidence.

3.5. The Applicant further seeks bail on the basis of medical grounds, both for himself and his wife.

3.6. The Applicant has been acquitted in the criminal cases cited by the



Prosecution. Specifically, FIR No. 149/2009 was quashed, and the Applicant was acquitted in FIR Nos. 1312/2015, 328/2016, and 314/2017.

4. On the other hand, the bail application is strongly opposed by Mr. Amit Ahlawat, APP for the State, as well as Mr. Prashant Manchanda, counsel for the Complainant. They argue that the Applicant has a history of criminal involvement and is a ‘bad character’ of the area. Furthermore, during his interim bail, the Applicant threatened both the Complainant and his mother, leading to the registration of an NCR on 16th July, 2024. They further contend that there are eyewitnesses who have testified to the brutal nature of the assault, with the Applicant banging the victim’s head against the wall and inflicting severe blows, resulting in his death.

5. The Court has carefully considered the arguments put forth by both parties. The Complainant, who is the son of the victim, and his mother, both of whom are eyewitnesses to the incident, have unequivocally implicated the Applicant in the assault that led to the death of the victim. Their testimonies are consistent with the findings of the post-mortem report, which confirms that the injuries sustained by the victim were antemortem in nature and directly attributable to the Applicant’s actions. Additionally, the Applicant has a history of criminal antecedents, having been involved in multiple cases under Sections 307, 308, and 397 of the IPC. Furthermore, he is identified as a “bad character” in the area.

6. Moreover, during the period of interim bail, the Applicant had threatened both the Complainant and his mother. This conduct reveals a clear pattern of witness intimidation, and raises serious concerns about the Applicant’s likelihood of misusing bail if granted. As regards the medical grounds raised by the Applicant, the Court is of the opinion that his health



condition can be adequately managed by the jail authorities. Similarly, concerning the illness of the Applicant's spouse, the verification conducted by the Investigating Officer indicates that her condition is not life-threatening and does not warrant any indulgence by the Court.

7. In view of the foregoing facts and circumstances, considering that the Applicant has been charged under Section 302 IPC, a heinous offense, and in light of the ocular evidence implicating him, along with his criminal history and aggressive conduct, there is a reasonable apprehension that granting bail to may result in the Applicant evading trial or engaging in witness intimidation. In light of these circumstances, the Court finds no justifiable grounds to grant the Applicant's request for bail.

8. In view of the above, the present application is dismissed.

SANJEEV NARULA, J

MAY 2, 2025/ab