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

+ **BAIL APPLN. 516/2025**

VISHAL SEJWAL

.....Petitioner

Through: Mr. Akshay Chowdhary and Ms.
Sonali Madaan, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvair Singh Chauhan, Ld.
APP for the State with SI Mandeep
and ASI Naveen Kumar P.S. Saket.

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+ **BAIL APPLN. 904/2025**

GAURAV SEJWAL

.....Petitioner

Through: Mr. Akshay Chowdhary and Ms.
Sonali Madaan, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Utkarsh, Ld. APP for State with
ASI Naveen Kumar P.S. Saket.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.04.2025

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1. Second Bail Application under Section 482 BNSS read with Section



528 BNSS has been filed on behalf of Gaurav Sejwal and first Bail Application under Section 482 BNSS has been filed on behalf of Vishal Sejwal for grant of Anticipatory Bail in FIR No.43/2025 under Section 110/3(5) BNSS, P.S. Saket.

2. It is asserted that the Complainant Rohit Sharma under the influence and directions of Mr. Rohit Sejwal, has lodged a baseless and concocted FIR with the sole intent to harass and victimize the accused persons. The allegations made therein are devoid of any factual or legal basis and are merely a tool for vindictive prosecution.

3. It is further submitted that Rohit Sharma is a Private Security Bouncer of Mr. Rohit Sejwal, who is the real first cousin of the Applicant Gaurav Sejwal and Vishal Sejwal. Rohit Sejwal is a well established Property Dealer and Builder involved in business of Stone Mines and has multiple businesses.

4. Gaurav Sejwal, the Applicant, is the first cousin of Rohit Sejwal and they share common ancestors namely Mr. Hoshiyar Singh, their grandfather. The House No.A-163, HK House, Lado Sarai, New Delhi is the ancestral property which stands divided amongst the family members. At present, the property comprises of five floors, out of which 70% is with the Applicant Gaurav Sejwal.

5. On 10.01.2025 at around 07:00 P.M (06:24 P.M) Rohit Sejwal came along with his three associates/security personnel namely Raj, Kamlesh and Rohit Sharma, to his residence with an intent to attack him. Three days later, on 13.01.2025 Rohit Sejwal orchestrated the filing of false FIR against the Applicant, furthering his pattern of harassment and misuse of legal provision.



6. Three days later, on 16.01.2025, when the Applicants came to know about the registration of FIR against them through a Notice served through Publication to appear before the I.O, Saket Police Station on 17.01.2025.
7. The Applicants filed a Complaint Rohit Sejwal and his three goons vide email dated 16.01.2025 on which no action has been taken.
8. The Anticipatory Bail Application was filed on 20.01.2025, but got dismissed by the Order of learned ASJ on 22.01.2025.
9. The Bail is sought on the grounds that the Applicant is willing to join the investigations as directed by the Police. Complainant in fact, was the aggressor who had come to the house of the Applicant to attack him, on the instructions of Rohit Sejwal for no rhyme or reason and solely due to the dispute between the Applicant and Rohit Sejwal in regard to their ancestral property. According to the narrative, Kamlesh Pandey was beaten by the Applicant at around 05:30 P.M but no Complaint was made by him.
10. It is asserted that prima facie ingredients of offence under Section 110/3(5) BNSS i.e. attempt to commit Culpable Homicide, is not made out from the averments made in the Complaint. The I.O has wrongly asserted that there was no CCTV camera installed near the vicinity when in fact CCTV Camera was installed in a nearby property, but no effort had been made to collect the CCTV footage. The Applicant has submitted to the I.O the CCTV footage, wherein Rohit Sejwal has come to threaten the Applicant at 06:25 P.M on 10.01.2025 which was followed by his three associates namely Raj, Kamlesh and Rohit Sharma. Though the Complainant has alleged that he was beaten up with iron rod, brick and became unconscious, but it is apparent from CCTV footage that Complainant never attacked anyone; rather he was the aggressor. Furthermore, the Complainant never



became unconscious as claimed by him. The whole confrontation initiated by Rohit Sejwal ended at 06:27 P.M as is evident from the CCTV footage.

11. Rohit Sejwal and his family has been trying to interfere and make multiple unsuccessful attempts to take possession of the portion, which is owned by the Applicant Gaurav in the said property. In one of the incidents, Mr. Rohit Sejwal along with his father on 25.04.2018, threatened the Applicant's family with revolver in Order to evict them from the property for which written Complaint was made in 2018.

12. Rohit Sejwal is using Complainant, his employee as a proxy against the Applicant and his family members and using his financial resources to coerce the Applicant Gaurav to give up his share in the family property. On 10.01.2025 at around 08:49 P.M, the Applicants had made a call on Police Emergency No.112 and registered Complaint vide ID No.10492808, but no action has been taken, nor any efforts made to record the statement of the Applicant. There is delay of three days in registration of FIR without any explanation.

13. It is further asserted that on 24.01.2025 at about 06:40 P.M, ten Police officials armed with rifles entered the property of the Applicant Gaurav without any warrants/Notice and harassed the old parents of the Applicant. Video recordings of the incident is also available with the family of Gaurav Sejwal.

14. The Applicant is a permanent resident of Delhi and has no chance of absconding. There is no direct or indirect inducement, threat or promise made by the Applicants to any person acquainted to the facts of the case. They undertake not to tamper with the evidence or leave India without the permission of the Court and to abide by any other condition that would be



imposed while granting Bail. A prayer is, therefore, made that the two Applicants be granted Anticipatory Bail.

15. The Status Report has been filed in the case of Vishal Sejwal BAIL APPLN. 516/2025. It is submitted that the incident occurred on 10.01.2025 and an intimation was given to Vishal Sejwal on 21.02.2025 to join investigation, but he failed to do so.

16. On 22.02.2025 an intimation to join the investigations was conveyed to Vishal Sejwal but he did not join the investigation as per the Orders of the Court. In the Interrogation Report dated 05.03.2025, the reason for not joining the investigations on 21.02.2025 has been mentioned as “he not being well”. He took medicines and came to Police Station at 10:00 P.M on 21.02.2025. He further claimed that he did not has knowledge of joining the investigations on 22.02.2025. Different versions have been given by the Applicant for not joining the investigations.

17. The Applicant Vishal Sejwal joined the investigations on 05.03.2025. He was interrogated to disclose about the alleged brick which was used to cause injury to victim Rohit Sharma, but he denied having any knowledge and thereby did no cooperate in tracing the alleged brick used for the assault of the victim. It is submitted that the recovery of alleged brick as well iron rod used to hurt the victim Rohit Sharma, is to be effected. Considering the non-cooperation and misguiding facts disclosed by the Applicant Vishal Sejwal, his custodial interrogation is required and thus, Anticipatory bail Application is opposed.

18. In the matter of **Gaurav Sejwal BAIL APPLN. 904/2025** the Status Report has been filed today in the Court, which be taken on record.

19. It is submitted in the Status Report that the Applicant has never joined



investigations and is absconding. NBWs were issued against Gaurav and Vishal Sejwal on 25.01.2025 for 27.02.2025.

20. After registration of FIR, Applicant Gaurav along with co-accused Vishal threatened Rohit Sejwal in respect of which NCR No.08/25/U/S 251(2) BNSS was lodged at P.S. Saket.

21. It is further submitted that the Applicant Gaurav Sejwal has joined investigations on 23.03.2025, but has not cooperated in the recovery of weapon of offence i.e. iron and knife used by him to cause injury to the Complainant.

22. It is further submitted that the Applicant had stated that at the time of accident co-accused Vishal was not present at the spot and one of his employee Prem Bahadur informed Vishal Sejwal on his mobile phone. Thereafter, the CDRs of the mobile phone have been obtained, which were found NIL. There are contradictions in the statement of the Applicant.

23. Statement of Prem Bahadur was recorded, but he did not state that he had called the co-accused.

24. The Bail Application of Gaurav Sejwal is strongly opposed on the grounds that the investigations are at the initial stage; that the custodial interrogation of Gaurav Sejwal is required for recovery of iron rod and knife and that the Applicants have threatened Rohit Sharma in respect of which NCR has been recorded.

25. It is further submitted that the Applicant has been involved in similar incident in respect of which FIR No.135/2023 under Section 323/341/506/120B/34 IPC had been registered in which the victim was a senior citizen of the locality. There is a statement of Manjeet Singh, eye witness recorded under Section 180 BNSS, wherein he had stated that



accused Gaurav Sejwal was holding a knife in the hand and had exhorted to kill. It clearly shows the preparation and the intention of the Accused. The Application is therefore, opposed.

26. The **learned Counsel on behalf of the Complainant Rohit Sejwal** has argued that accused Gaurav Sejwal is habitual of extending threats to the residents in the Society. He has one earlier FIR as well one NCR registered against him, where similar allegations have been made. He has already extended threat on the day next to the incident against making a Complaint to the Police. There is every likelihood of he threatening and causing harm to the Complainant and others in case if he is admitted to Bail.

27. **Learned counsel for the Accused Gaurav Sejwal** has submitted that Rohit Sejwal is an influential person of the area who has been using his influence with the Police officials. There was a CCTV footage available of the spot of the recording the incident which has intentionally not been collected by the I.O, who has instead made a categorical statement that no CCTV footage was available. Bare perusal of the CCTV footage would show that Gaurav Sejwal was not the aggressor and no such incident as asserted in the Complaint, ever took place. There was barely a few minutes argument which had taken place, but the same has been exaggerated into the Complaint. It is further submitted that the Applicants were not armed with the alleged weapons and there is no question of them leading to the recovery of the alleged weapons.

28. The MLC reflects the nature of injuries which clearly supports that the injury had been caused with a knife as well iron rod. This also finds mention in the MLC of the injured. Considering the antecedents and the proximity of the Applicants to the Complainant, Bail is strongly opposed.



29. **Learned APP for the State has submitted** that the CCTV footage on which reliance has been placed by the Applicant, is in fact not of the alleged incident and therefore, cannot be considered. It is also emphasized that since the Applicants have not cooperated during the investigations in recovery of the weapons of offence, the Anticipatory Bail be not granted.

30. **Submissions heard and record perused.**

31. Essentially, the Complainant and the Accused have the same ancestors and have been occupying the property in question in different portions. It has been explained that there had been tiffs on account of paucity of space for parking and such other small incidents, one of which has resulted in registration of FIR against Gaurav Sejwal.

32. The Bail Application has been opposed on the grounds that recovery of brick, rod and a knife has to be effected from the Applicant. In so far as the brick is concerned, it presumably would have been left on site; but had not been collected by the Police during the investigations. It is highly probable that the brick would have been carried by the Applicants after using the same for causing the injury.

33. In so far as the knife is concerned, the Complainant in his Complaint has no where indicated that a knife was also used as a weapon of offence. He had specifically stated that he had been hit with an iron rod. Though, in the MLC there is a mention of an assault having been committed by iron rod, brick, knife and fists, but there is no mention of knife in the original Complaint.

34. Pertinently, the Petitioners have already joined investigations and no recovery of the alleged weapon of offence has been effected from them. The incident is of 10.01.2025 while the alleged recovery of weapon is



intended to be made now for which interrogation has already been conducted by the I.O.

35. It is claimed that Gaurav Sejwal had given a threat to the Complainant and the family members that *“kar li hamari complaint, kuch nahi hoga ab dekh tu tera aur teri family aur tere office main kaam karne wale employees ka hum kya hasr karte hain”* and his wife had threatened that she would get them implicated in a false case of molestation. However, that was apparently immediately after the day of incident and prior to the registration of FIR. It is significant to observe that the FIR was registered after three days of the incident.

36. Considering the totality of circumstances, it is directed that that in the event of his arrest, the petitioners be admitted to bail by the Investigating Officer/Arresting Officer subject to the following conditions:

- (i) The petitioners shall furnish a personal bond in the sum of Rs.35,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer;
- (ii) The petitioners shall furnish their mobile number to the Investigating Officer on which they may be contacted at any time and shall ensure that the numbers are kept active and switched-on at all times;
- (iii) If the petitioners have a passport, they shall surrender the same to the Investigating Officer and shall not travel out of the country without prior permission of the Trial Court;
- (iv) The petitioners shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.



37. The above two Petitions stands disposed of in the above terms.

NEENA BANSAL KRISHNA, J

APRIL 29, 2025/va