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

+ **BAIL APPLN. 696/2025**

PAWAN ROHILLA

.....Petitioner

Through: Mr S. K. Sharma, Mr Chitrankit Rana
and Mr Vyom Shandilya, Advs.

Versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
along with Inspector Kumar Santosh.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

16.04 .2025

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1. By way of the present application, the applicant seeks grant of regular bail in FIR No.13/2023, registered at Police Station Delhi Cantt. Railway Station, Delhi for offence under Sections 302/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').
2. Briefly stated, facts of the present case are that on 01.05.2023, *vide* DD No. 32A, information had been received at Police Station Delhi Cantt. Railway Station regarding the incident at Bijwasan Station, and thereafter, police officials had reached the place of incident, where a person namely Md. Faizan had been found injured. He was rushed to the DDU Hospital, wherein he was declared "brought dead". Thereafter, on 02.05.2023, at 03:17 am, the complainant had given his statement and disclosed that on 01.05.2023, he, along with his brother, Om and the deceased, had decided to



go play cricket at the playground near Bijwasan Station and while they were passing through platform no. 1, five boys had started abusing and fighting with them. It is stated that the complainant and his brother had run in one direction and the deceased had run towards the other side. It is stated that, when after sometime, the complainant and Om had come back searching for the deceased, they had found a boy, later identified as the accused Manish, and the public had caught hold of the said accused and one person from the public had informed that one boy had been lying near the station. The accused Manish had revealed the names of his other friends. It is stated that all the said five boys had fought with the complainant, Om and had beaten the deceased. On the aforesaid allegations, the present FIR was registered, and five accused persons were arrested.

3. The learned counsel appearing for the applicant states that the victim herein had not died at the spot and had rather run away. It is also submitted that two eye-witnesses have been examined in this case and only one eye-witness remains to be examined. It is also stated that there is no likelihood of the applicant tampering with the evidence. The attention of this Court is also drawn to the fact that since no weapon had been used in the present case, there was no intention or knowledge, which is the mandate of law to make out a case under Section 302 of the IPC. It is contented that a sudden fight had taken place between the victim and the accused herein, and the MLC of the victim also does not reveal any external injury. Therefore, it is prayed that bail be granted to the applicant herein.

4. The learned APP for the State, on the other hand, opposes the present application and submits that the material witnesses have supported the prosecution's case and only one eye-witness remains to be examined. It is



also stated that total 18 witnesses were to be examined, out of which one already stands examined and one witness has been partly cross-examined. It is also stated that the victim herein had died on the same day and the post-mortem report clearly mentions that cause of death appears to be head injury caused by blunt forceful impact upon head, possibly during assault by slapping, punching etc. and the manner of death appears to be homicide. It is also stated that the offence committed by the applicant is not a case of sudden provocation or there being any lack of intention or knowledge. Therefore, it is prayed that bail application be dismissed.

5. This Court has heard the arguments of the learned counsel appearing for the parties and perused the material available on record.

6. After hearing arguments and going through the case file, this Court is of the opinion that the complaint/FIR as well as the statements of the witnesses specifically mentions as to how the victim/deceased herein had been beaten by the accused persons and he had succumbed to the injuries on the same day. The post-mortem report as well as the witnesses examined before the learned Trial Court have supported the prosecution's case. The question as to whether there had been any intention to commit murder or not, is a matter of trial.

7. The Hon'ble Supreme Court in *X v. State of Rajasthan: SLP(Crl.) 13378/2024* has observed that ordinarily, in offence like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining the witnesses, the Courts should be loath in entertaining bail applications of the accused.

8. Considering the facts and circumstances of the present case, and the fact that the material witnesses have supported the case of the prosecution,



and the opinion mentioned in the post-mortem report is that the death was caused by blunt forceful impact upon head, possibly during assault by slapping, punching, this Court is of the opinion that no ground for bail is made out at this stage.

9. Accordingly, the present application is dismissed.

10. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 16, 2025/A

Click here to check corrigendum, if any