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IN THE HIGH COURT OF DELHI AT NEW DELHI**Date of decision: 21.05.2025****+ BAIL APPLN. 729/2025
PARAS BHARADWAJ****.....Petitioner****Through: Mr. Mohit Rana & Mr. Sahil
Verma, Advs.****versus****STATE OF NCT OF DELHI****.....Respondent****Through: Mr. Satish Kumar, APP for
State.
Insp. Baljeet PM Security.
SI Vidyakar Pathak PS Mohan
Garden.****CORAM:****HON'BLE MS. JUSTICE SHALINDER KAUR****SHALINDER KAUR, J (ORAL)**

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Petitioner/Applicant seeks the grant of Regular Bail in FIR No. 934/2018 dated 06.10.2018 registered for offences under Section 302, 307 and 34 of the Indian Penal Code, 1860 (IPC) at the Police Station Uttam Nagar.

2. It is the case of the Prosecution that a PCR call was received at the Police Station Uttam Nagar *vide* DD No. 06A dated 06.10.2018, regarding an incident of stabbing reported at D.K. Road, Uttam Nagar. Upon the receipt of the said call, SI Anoop, accompanied by Police staff, reached the spot, where a pool of blood was found. Subsequently, two calls with respect to Medico Legal Case (MLC)



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were received *vide* DD No. 9A and DD No. 12A, concerning injured persons admitted at Mata Roop Rani Maggo Hospital. Acting upon the said information, SI Anoop Kumar proceeded to the said hospital, where he collected MLC No. 1136/2018 pertaining to injured namely Vijender Rana. As per the said MLC, the doctor had declared him brought dead, having sustained multiple stab wounds on the abdomen. He also collected MLC No. 1135/2018 of injured Rajesh Rana, who had been admitted with active bleeding in the iliac region and chest injuries and was referred to DDU Hospital for further treatment.

3. Subsequently, SI Anoop Kumar reached DDU Hospital, where the injured Rajesh Rana was undergoing medical treatment. Upon assessment, the concerned doctor declared the injured unfit to make any statement. Thereafter, SI Anoop returned to the place of incident and called the crime team to the spot for inspection and further necessary proceedings.

4. At the place of incident Seema Rana, wife of the deceased Shri Vijender Rana, met the Investigating Officer and made a statement that her husband Vijender was returning home in his tempo, and upon reaching the front of the house of one Ankit, the pet dog of Ankit and Paras (Petitioner) was hit by his tempo. This led to an altercation, which subsequently escalated into a physical scuffle.

5. She further stated that when the deceased Vijender was proceeding to park his tempo in our home, he had instructed his wife to open the Iron Gate. In this while, Ankit and Paras arrived at the spot and began to quarrel with Vijender, they then forcibly took Vijender



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in front of their house. Seema, accompanied by her son Nikhil and nephew Sanaha, followed them in an attempt to protect Vijender. Meanwhile, Vijender's brother Rajesh also reached the spot to help him. It is alleged that Petitioner along with co-accused Ankit stabbed both the brothers with a knife, while one Karan held their hands during the assault.

6. On the basis of the statement of Seema Rana, an FIR bearing No. 934/2018 under Sections 302/307/34 of the IPC was registered at Police Station Uttam Nagar, and further investigation was taken up accordingly.

7. During the inspection of the place of incident, one blood-stained stone, earth control and one blood-stained polythene were recovered from the spot. These articles were taken into Police possession through a seizure memo and were deposited in the Police Station's Malkhana.

8. Further investigation led to arrest of co-accused Karan on 07.10.2018. His disclosure statement was recorded and at his instance on 09.10.2018, the Petitioner, co-accused Ankit and Dev were apprehended from Dabri - Gurgaon Road near the red light. During interrogation, the accused persons made their disclosure statements which were duly recorded and accordingly, they were arrested.

9. Upon conclusion of the investigation, the Charge-Sheet was filed and thereafter, the Charges were also framed against the accused persons by the learned Trial Court, and the matter is presently stated to be at the stage of recording Prosecution evidence.



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10. During the course of the trial proceedings, the Petitioner preferred a bail application, which came to be dismissed by the learned Trial Court on 23.12.2024, leading to the filing of the present bail application before this Court.

11. The learned counsel for the Petitioner, while seeking Regular Bail of the Petitioner, submits that out of a total of 32 Prosecution witnesses, only 9 witnesses have been examined over the span of the last six years. He submits that evidently the trial is unlikely to conclude in the near future and due to this uncertainty, the Petitioner cannot be permitted to languish in jail. The learned counsel points out that since 31.01.2024, Prosecution evidence has not been recorded as one of the co-accused persons, who was earlier not arrested, has been arrested which has stalled the trial, until proceedings in his respect are completed by the learned Trial Court.

12. The learned counsel submits that the evidence of most of the material witnesses, on whose testimony the investigating agency had primarily relied upon to implicate the Petitioner, have not supported the Prosecution's case. He further submits that PW8, an independent alleged eye witness has turned hostile and PW5, the injured has made material improvements in his testimony and was adequately confronted with his previous statements. The learned counsel also points out that in the testimony of the other material witnesses also, there are major contradictions, therefore, the testimony of the said witnesses is not reliable and thus, there is no evidence against the Petitioner to connect him with the offence.



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13. The learned counsel submits that the Petitioner was released on interim bail on three occasions and, on each instance, has duly surrendered before the jail authorities. This demonstrates the Petitioner's sincerity towards the Court proceedings and his compliance with the conditions imposed by the Court. He also submits that the Petitioner has no previous criminal antecedents or involvement in any other offence.

14. To conclude, the learned counsel submits that the Petitioner has undergone approximately four years in custody and his overall jail conduct is stated to be 'Satisfactory'. He has clean antecedents and the FIR was lodged way back on 06.10.2018. Thus, in these circumstances, he is entitled to be released on Regular Bail. To strengthen his argument, the learned counsel places reliance upon the judgment of the Supreme Court in *Javed Gulam Nabi Shaikh vs. The State of Maharashtra* (2024) 9 SCC 813.

15. On the other hand, the learned APP for the State, vehemently opposing the present bail application, submits that the Petitioner is involved in a heinous and grave offence. He refused the claim of the Petitioner that the PWs have not supported the case of the Prosecution. The learned APP submits that PWs 5, 6 and 7 have identified the Petitioner and co-accused persons and supported the Prosecution's version. The contradiction and improvements, if any, he submits shall be considered by the learned Trial Court at the final stage of the trial and moreover, for the consideration of the bail application, certain contradictions/improvements, if any, may not be material.



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16. The learned APP further submits that the trial is underway and the delay was caused as one of the co-accused persons, who was released on interim bail had jumped the bail and absconded, therefore, after his arrest, the Charge was framed against him and the witnesses already examined in his absence were re-examined. He submits that now the witnesses are being regularly examined, hence, there is no delay and the trial is underway.

17. In these circumstances, learned APP submits that if the Petitioner is released on bail, there is a strong likelihood that he may threaten the Complainant.

18. Learned counsel appearing on behalf of the Complainant, while supporting the arguments canvassed by the learned APP, submits that during the period when the Petitioner was released on interim bail, he had threatened the Complainant. In this regard, a complaint dated 09.11.2020 was also filed by the Complainant before the concerned Police station, alleging intimidation by the Petitioner. Therefore, he ought not to be released on bail.

19. Having heard the learned counsel for the Petitioner, the learned counsel for the Complainant, and the learned APP for the State, and upon perusal of the material on record, this Court notes that the role assigned to the Petitioner is one of the main assailants, who along with the co-accused persons had caused gruesome murder of the deceased Shri Vijender Rana and caused injuries to his brother Rajesh.

20. The genesis of the incident, as per the prosecution version, is that the vehicle of the deceased Vijender Rana had hit a pet dog



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belonging Paras and Ankit, on which a quarrel ensued between them. Thereafter, the deceased came to his house and was about to enter his premises, when the Petitioner along with his brother and father forcibly brought the deceased in front of their house. They gave beatings to the deceased, in the meanwhile, the other two co-accused Dev and Ankit had joined in to give further beatings to the deceased.

21. Thereafter, the co-accused Dev brought a knife and caused a stab injury in the chest of Rajesh. Thereupon, the stab injury in the abdomen of the deceased was caused, the knife, thereafter, was taken from the hands of Dev and, the co-accused Ankit further stabbed the deceased. Finally, the Petitioner took the knife from the hands of his brother Ankit and also stabbed the deceased.

22. The manner in which the aforesaid stab injuries were inflicted one after the other by the Petitioner and the co-accused persons on the person of the deceased and also a stab wound given in the chest of Rajesh, *prima facie*, indicates that the Petitioner and the other co-accused persons had intended to inflict the aforementioned injuries causing the murder of the deceased Shri Vijender Rana and injury on the person of Rajesh. From the MLC of the injured Rajesh, it emerges that he received stab injuries in his chest and from the MLC of the deceased, it is evident that he suffered multiple stab wounds in his abdomen. The postmortem report reveals the cause of death of the deceased to be *“hemorrhagic shock secondary to the stab wound over chest via injury no. 01 and over injury no. 06 which are sufficient to cause death in ordinary course of nature individually. Injury no. 1 to 6*



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are produced by single edged sharp cutting object”.

23. It is also the case of the Prosecution that after suffering the stab injury, Rajesh fell unconscious. Coupled with the fact that the learned counsel for the Complainant brought to the notice of this Court, the threats extended to the complainant and her family members by the Petitioner while he was out on interim bail as well as the learned APP having submitted that one of the public witnesses turned hostile probably due to the same reason. The trial is underway and the learned APP has submitted that after the arrest of co-accused Dev (PO) further testimony of the prosecution witnesses are being recorded by the learned Trial Court.

24. The reliance placed on the decision in ***Javed Gulam Nabi Shaikh*** (supra) is distinguishable on the facts and circumstances as the Charges in the said case had not been framed and the number of witnesses were larger in number as against the present case.

25. In the overall conspectus of the circumstances, at this stage, this Court is not inclined to grant Regular Bail, however, on account of any material change in the circumstances, the Petitioner may move a successive bail application.

26. Accordingly, the Regular Bail application is dismissed, along with pending application, if any.

SHALINDER KAUR, J

MAY 21, 2025/SK

Click here to check corrigendum, if any