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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 984/2025 & CRL.M.A. 25797/2025 FOR PLACING
ADDL. DOC.

SONU @ VIKRAM

.....Petitioner

Through: Mr. Kriti Ranjan, Mr. Vishal, Mr.
Shamik Saha & Mr. Abhishek
Ranjan, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP with
Inspector Manoj Kumar, PS Mayur
Vihar & Inspector Jainender Kumar,
TI/ Pahar Ganj

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **20.11.2025**

1. This is an application for the grant of regular bail filed on behalf of the petitioner in case FIR No. 777/2021, under Section 302/34 IPC, PS Mayur Vihar.
2. Learned counsel for the petitioner submits that all the material witnesses have been examined, but they have not supported the prosecution version. It is further submitted that petitioner has been in custody since 11.01.2022. All the remaining witnesses are official witnesses, and therefore, there is no possibility of threatening or intimidating them. It is stated that the witness of last seen has not identified the petitioner during cross-examination. It is also stated that petitioner has clean antecedents with



no previous criminal history and he is ready to abide by all the conditions that may be imposed.

3. Bail application has been opposed by the learned APP, submitting that petitioner and co-accused are accused of committing murder of the victim with bricks and dandas. The allegations *qua* him are grave and serious in nature, and therefore, he is not entitled for the grant of bail.

4. The brief facts of the case, are that on 14.12.2021, a PCR call was received that “caller is saying that one person stole the phone at night and now he is not giving the phone here.” Police team reached at the spot and found a person lying in an injured condition. He was shifted to the hospital. No eye witness was found at the spot or in the hospital. Case FIR No. 777/2021 under Section 307/34 IPC was registered at PS Mayur Vihar.

5. During investigation, the statements of Rafo Begum and her son Afzal were recorded. They told that on the intervening night of 13-14.12.2021 at about 2.30 am, Keshav, Nitesh, Sagar, Digar, Sonu, Chjiku, Ajay @ Aku and Johnson came to her house and took Sabir with them. In the morning, they got to know that all of them had beaten Sabir and he is in the hospital and now undergoing treatment.

6. Later on, injured Mohd. Afsar @ Sabir died in the hospital, and accordingly, Section 302 IPC was added.

7. As per the statement of eye-witness Abhishek, on 13.12.2021, he along with his friends Nitesh @ Narender, Keshav, Sagar, Deepak @ Dinger, Johnson, Aditya, Sumit @ Chiku went to Dadri, UP to attend the wedding of son of aunt of Pankaj. They all were drunk except him and returned back to Trilok Puri in the night at about 2.30 – 3.00 am after attending the wedding. After returning, when they reached 27 Block Chowk,



Trilok Puri, Aditya got down from the car and went to his house. After that, Nitesh stopped the car outside a street on the main road of Block No. 29 & 33, Trilok Puri. At that time, a transgender was passing by. Nitesh, Deepak and Keshav got down from the car and went to her and started teasing her and stared following her. One boy, who saw Nitesh, Deepak and Keshav harassing the transgender, stopped them from doing so. This resulted in arguments and a fight. After this, three of them came back and Nitesh said that the man had snatched Keshav's phone and ran away. They all then went to search that person. Thereafter, Narender @ Nitesh, Keshav, Sagar, Deepak, Johnson, Sumit @ Chiku, Ajay @ Aku and Sonu caught a boy named Sabir, saying that he was a thief. Keshav started questioning him about the phone, Ajay @ Aku hit Sabir's head with a plastic pipe and all of them started kicking and punching him. When he could not be controlled, Nitesh, Keshav and Sagar picked up bricks and hit them on the head, due to which, he fell unconscious. Then, all the boys dragged him away. Pappu, Johnson, Chiku and Keshav were holding his hands and legs and took him near 29 Block, Central Park and made him lie down on the ground. After that, Nikhil brought a wooden stick from somewhere and hit him on the head and Pappu and Johnson were also kicking and punching the man lying down and Chiku was hitting him with a belt.

8. Rafo Begum, mother of the victim and Afzal, brother of the victim are the witnesses of last seen. Rafo Begum could not be examined as she is stated to have expired. In his testimony before the Court, Afzal identified all the accused persons except accused Nitesh.

9. Even though, PW Vinay and Abhishek have not supported the prosecution version and have turned hostile and have not identified the



accused persons including the petitioner herein, so far as the present petitioner Sonu @ Vikram is concerned, he has been identified by the last seen witness Afzal. The Court is conscious that in bail application No. 1164/2025, co-accused Narender @ Nitesh has been enlarged on bail by this Court today but in his case, the last seen witness has not identified him. The argument of the learned counsel for the petitioner that in cross-examination, Afzal has not correctly identified the petitioner, cannot be considered at this stage, inasmuch as, at the bail stage, the Court does not conduct a meticulous dissection of evidence but considers whether there exists a prima facie case, the gravity of allegations and the likelihood of tampering or absconding. [*Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528*]. The Court must balance the right to liberty of the accused with the interest of society and the sanctity of trial. At this stage, the Court is only to look broadly on the testimonies of the witnesses. The strength and value of the testimonies of the witnesses is to be determined during the trial.

10. The allegations *qua* the present petitioner admittedly are grave and serious in nature. This court is of the view, it would be premature to release the petitioner on bail at this stage.

11. Therefore this court is not inclined to grant bail to the present petitioner Sonu @ Vikram at this stage.

12. The application is therefore dismissed.

RAVINDER DUDEJA, J.

NOVEMBER 20, 2025

RM