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

+ **BAIL APPLN. 1013/2025**

GAURAV @ GOLU

.....Petitioner

Through: appearance not given.

versus

THE STATE GNCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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15.07.2025

1. This is an application under Section 483 of BNSS, 2023 filed on behalf of the petitioner for grant of bail in case FIR NO.0390/2024 under Section 118(1)/126(2)/3(5) BNS 2023 registered at PS-Budh Vihar.
2. The learned counsel appearing for the petitioner submits that the name of the petitioner is neither mentioned in the FIR nor he was indulged in the alleged crime. He is neither seen in the CCTV footage quarreling with anyone nor indulging in any activities. He is an eighteen years old boy with clean antecedents. The investigation is complete, charge-sheet has already been filed and he is no more required for the purpose of any investigation. Recording of evidence is yet not started, trial would take a long time to conclude and keeping the petitioner in custody would not serve any fruitful purpose.
3. The bail application has been vehemently opposed by the learned APP submitting that the applicant along with two other co-accused and three JCLs caused knife injuries to the victim in his thigh resulting in his death.



She further states that the case is based on direct evidence as also the dying declaration made by the victim implicating the petitioner, co-accused and the three JCLs. She states that the allegation are grave and serious in nature and, therefore, petitioner is not entitled for grant of bail.

4. The FIR has been registered on the statement of the victim himself wherein he stated that in the night of 31.10.2024, he had some altercation with Ombir at Budh Bazaar Road. On 01.01.2024 at about 8:30 PM, when he reached near his office, Ombir along with his two associates intercepted him and started beating him with punches and stabbed him 2/3 times at the back side of his right thigh with some sharp object.

5. Victim Rahul @ Haddi expired on 02.11.2024 while under-treatment at LNJP Hospital. During investigation, police also recorded the statement of alleged eye-witness Aakash wherein he stated that 5-6 boys namely Ombir, his nephew Rohit, Sohita and his relative Gaurav and Ajit surrounded the victim and gave him fist blows and punches. Rahul @ Haddi was caught by Rohit and Sohita and Ajit gave blows with knife/sharp edged weapon on thighs of Rahul. Simultaneously, he was also given leg and fist blows by the present petitioner and also by Ombir and his son Gulshan.

6. During investigation, police also recorded the statement of the father of the victim. According to him, while he was shifting his son Rahul to LNJP Hospital in the ambulance, Rahul informed him that on 31.10.2024, he had a quarrel with nephew and relatives of Ombir and during the said quarrel he had slapped Rohit. On 01.11.2024, Ombir, his son Gulshan, his nephew Rohit, Sohita, Gaurav and Ajit gave him fist blows and Ajit gave him blows with a sharp edged weapon/Knife causing him injuries.

7. The learned counsel for petitioner submits that the alleged dying



declarations do not inspire confidence inasmuch as there are deviations in both the dying declarations.

8. Be that as it may, the authenticity and genuineness of the dying declarations is to be tested during the trial and no finding can be returned at this stage. Moreover, the case is not based simply on the basis of dying declarations but also on the basis of the statement of alleged eye-witness Aakash. His statement cannot be discarded at this stage. There is also evidence in the shape of CCTV footage showing the presence of the present petitioner and the other co-accused and CCLs at the spot of incident. As per status report CDR of the petitioner's mobile phone also confirms his location on the place of incidence.

9. The case is still at an initial stage of trial, material witnesses are yet not examined, there is no extraordinary delay in the conduct of trial. Possibility that upon being released on bail, the petitioner may threaten or influence the witnesses cannot be ruled out. Keeping in view the entire facts and circumstances and the nature and gravity of allegations, I am of the view that this is not a fit case for grant of bail to the petitioner/accused at this stage. The present bail application is, therefore, dismissed.

RAVINDER DUDEJA, J

JULY 15, 2025

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