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

+ **BAIL APPLN. 1143/2025**

MOHSIN@FAHEEM

.....Petitioner

Through: Mr. Arjun Anand , Advocate with Ms. Priyam Wadhawan, Mr. Antriksh Tiwari, Mr. Abdul Humair Baig, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI THROUGH SHO P.S. CIVIL LINES

.....Respondents

Through: Mr. Manoj Pant, APP for the State with Inspector Jitender Rana, P.S. Civil Lines.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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23.04.2025

1. By way of this application, the applicant is seeking grant of regular bail in case arising out of FIR No. 165/2023, registered at Police Station, Civil Lines, Delhi for the offence punishable under Sections 302/397/34/120B/411/482 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Sections 25/27/54 59 of the Arms Act, 1959.
2. Briefly stated, the facts of the present case are that on 08.05.2023, an information had been received from AAA Hospital, Delhi, revealing that a patient Virender Singh Rawat had been admitted in the hospital in injured state by his brother-in-law, Manoj Rawat and the patient had been subsequently declared dead. On enquiry, Manoj Rawat had informed that at



7:20 PM, while he was going back to his house, he had witnessed crowd near Victoria Public School, Delhi, and one person was keeping the deceased, (later identified as his brother-in-law), in a cycle rickshaw. At the place of incident, two empty cartridges had been recovered. On the basis of the said information, the present FIR was registered.

3. During the course of investigation, the route of the accused persons, who were seen at the place of incident, was traced by analysing CCTV footage, and identity of one of the accused had been revealed as Alam, who had been later arrested. The motor-vehicle used in the commission of alleged offence had been recovered at his instance and the other accused, Zahid had also been arrested. The alleged weapon of offence had been recovered at the instance of Zahid. It had further been revealed during investigation that total six persons were involved in the robbery. Eventually, other accused Mohit Chauhan was also arrested. On 18.05.2023, pursuant to receipt of secret information, present accused Mohsin was arrested. During his police custody remand, the looted bag of the deceased was recovered from the ground near TLM Community Centre, Tahirpur Road, Sundar Nagri, Delhi at the instance of the applicant herein.

4. The learned counsel appearing for the applicant argues that the applicant herein has been falsely implicated in the present case and he is a victim of false and frivolous story fabricated by the prosecution. It is submitted that the applicant has been in judicial custody since 19.05.2023. It is argued that the applicant has been implicated only on the basis of disclosure statement of the co-accused (Mohit Chauhan), and the FIR does not mention his name at all. It is argued that neither the applicant was present at the place of incident at the time of commission of the alleged offence nor any weapon



of incident has been recovered at his instance. It is submitted that the material witnesses, including the complainant have been duly examined and the testimonies find no mention of the applicant herein. It is submitted that no bag as alleged by the prosecution, was recovered at the instance of the applicant. Therefore, it is prayed that the applicant herein be granted regular bail.

5. The learned APP for the State, on the other hand, strongly opposes the present bail application and states that the allegations against the applicant herein are serious in nature. It is submitted that the applicant herein had refused to participate in the TIP proceedings. It is also argued that during police custody remand, looted bag of the deceased had been recovered from ground near TLM Community Centre, Tahirpur Road, Sunder Nagri, Delhi at the instance of the applicant herein. It is thus prayed that present bail application be dismissed.

6. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.

7. It is the case of the prosecution, that the co-accused Alam had driven the motor-vehicle and co-accused Mohit, the pillion rider, had gone to the deceased and had tried to snatch his bag and upon his resisting, the co-accused Mohit had fired a gunshot at the deceased and thereafter, they had fled away with the bag of the deceased.

8. The allegations against the applicant herein, in a nutshell, are that he alongwith other accused persons had conspired to commit robbery and while committing the said offence, co-accused Mohit had fired towards the deceased, thereby causing his death. The weapon of the offence had allegedly been provided by the co-accused Zahid.

9. It is noteworthy that during the course of investigation, the



accused/applicant herein had identified a black coloured bag lying in the bushes in the ground near TLM Community Center, Tahirpur Road, Sundar Nagri, Delhi and had informed the investigating team that it was the bag which had been looted in the present case and the co-accused Zahid had given it to him after the incident. Further, he had taken out the glasses from this bag, given it to co-accused Shammu, and had thrown the bag in the bushes. The said bag was found containing some belongings of the deceased including the water bottles, visiting cards, tax invoice, passport size photo and adhaar card of the deceased person and one small lens case.

10. The CCTV footage, obtained during the course of investigation, also revealed that on 08.05.2023, at about 3:05 PM to 3:23 PM, co-accused Alam and Zahid had come on a white colour scooty, and the applicant herein and co-accused Shammu had come on a grey colour scooty and they could be seen conspiring together. The accused persons could also be seen conspiring together in certain other CCTV footage collected by the investigating agency, as per the chargesheet.

11. As far as the argument of learned counsel for the accused, that the trial will take long time to conclude is concerned, this Court notes that the present case is at the stage of prosecution evidence and several material witnesses are yet to be examined. It is apposite to mention here that the Hon'ble Supreme Court in *X v. State of Rajasthan & Anr.* 2024 INSC 909 has emphasized that in serious offences like rape, murder, dacoity, etc., bail should generally not be granted once the trial has started, especially based on the victim's testimony as granting bail at that stage can affect the fairness of the ongoing trial.

12. After hearing arguments and going through the case file, this Court is



of the opinion that the allegations against the applicant herein are of a serious nature. Furthermore, the CCTV footage, wherein the applicant could be allegedly seen with the other accused persons and the recovery of the bag of the deceased at the instance of the applicant herein, points towards a *prima facie* case against him. Therefore, this Court is not inclined to grant regular bail to the applicant.

13. Accordingly, the present bail application stands dismissed.

14. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case and the observations made in the present order are only for the purpose of deciding the present bail application.

15. The order be uploaded on the website forthwith.

APRIL 23, 2025/gs

DR. SWARANA KANTA SHARMA, J

[Click here to check corrigendum, if any](#)