



2025:DHC:1948



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

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Date of Decision: 25.03.2025+ **BAIL APPLN. 1174/2025, CRL.M.A. 8963/2025 & CRL.M.A. 8964/2025**

NAVEEN KUMAR

.....Petitioner

Through: Ms. Sunita Arora, Advocate

versus

THE STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Anoop Kumar, PS Sarojini
Nagar**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The petitioner seeks to be released on bail in case FIR No.128/2021 of PS Sarojini Nagar for offence under Section 302 IPC. Broadly speaking, the allegation against the petitioner is that he killed his brother Praveen by multiple blows with an iron rod in presence of a number of witnesses. The accused petitioner and his deceased brother were residing in the same labour camp and the petitioner was apprehended by the witnesses on the spot immediately after the assault. From the spot, the deceased as well as the petitioner accused were taken to Safdarjung hospital, where the deceased

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was declared brought dead and the petitioner accused was found under influence of alcohol.

2. It is argued on behalf of petitioner that there was no eye witness and that no fingerprints or blood stains were lifted from the rod. Besides this, learned counsel for petitioner has addressed at length, contending that there are multiple contradictions in the testimony of the witnesses examined so far.

3. At the outset, it needs to be noted that at the stage of considering a bail application, the court cannot venture into minute appreciation of evidence. However, suffice it to record that even the so-called contradictions referred to by learned counsel for petitioner are only minor and explainable contradictions, which are of no help to the petitioner.

4. As regards there being no eye witness, the submission is totally contrary to record. The witnesses examined so far by the trial court as PW-1, PW-2, PW-3, PW-4 and PW-5 are eye witnesses of the actual blows or the facts as existed immediately prior and subsequent to the multiple blows with iron rod.

5. I have also examined the nature of injuries found on the deceased, as reflected from MLC, injury statement and post-mortem report. According to the post-mortem report, the cause of death was shock and haemorrhage as a result of ante-mortem injuries sustained to abdomen produced by blunt force



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impact, opined to be sufficient in the ordinary course of nature to cause death.

6. Trial has almost concluded. According to order dated 09.09.2024 of the Court of Sessions, whereby the bail application of the petitioner accused was dismissed, 18 out of 22 witnesses of prosecution had already been examined by that date.

7. Keeping in mind the nature and gravity of offence as well as the terminal stage of trial, I do not find it a fit case to release the petitioner on bail. As such, the bail application is dismissed. Pending applications stand disposed of.

GIRISH KATHPALIA
(JUDGE)

MARCH 25, 2025/ry