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

+ **BAIL APPLN. 1573/2025**

MAYANK SINGH

.....Petitioner

Through: Mr.Yoginder Kumar Yatharth,
Advocate

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr.Sanjeev Sabharwal, APP for the
State

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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19.09.2025

1. Having remained under incarceration since 12.05.2022 (more than 3 years and 4 months) in a criminal case arising out of FIR No. 0225/2022 dated 15.04.2022 for the alleged offences punishable under Sections 302, 308, 342 and 34 of IPC, registered at Police Station Anand Parbat, the applicant seeks bail. Subsequently, a chargesheet was filed against the accused/ applicant for the alleged offences under Sections 302, 308, 342, 34, 143, 147, 148, 149, 364, 365 and 201 of IPC.
2. Per FIR, the complainant/ victim (Manoj @ Pappu) were friends with Ritik (deceased victim), and they would regularly meet. The complainant already knew co-accused/ Vikky @ Pange, who 4-5 days prior to the incident, had asked complainant to get cigarettes, however, on receiving a different brand, an altercation ensued in which abuses were exchanged, following which Vikky bore animosity.



2.1 On 14.04.2022, the complainant was confronted by co-accused/ Vikky along with Child in Conflict with Law (CCL)-Arjun and co-accused persons-Shivkant, Sonu @ Mooli, and another boy, unknown but identifiable. At that stage, Vikky exhorted his associates to teach complainant a lesson, whereupon the complainant and Ritik (complainant's friend/ deceased victim) were apprehended, taken to co-accused/ Vikky's nearby house, confined in a room, and assaulted with iron rods. In the course of the beating, deceased victim became unconscious, after which CCL-Arjun and co-accused/ Shivkant took him away, while the complainant, on coming out of the house, fell in the street, where his friend Jaspreet @ Mola met him and carried him home.

2.2 Thereafter, complainant's neighbour informed the PCR, which took him to the hospital for treatment. Subsequently, the police identified the place of assault as T-20/C, Azad Chowk, Baljeet Nagar, and it was revealed that deceased victim had been taken from the site of incident by co-accused-Shivkant and CCL Arjun.

2.3 Upon receipt of DD No. 78A, the police reached Sardar Patel Hospital, where Ritik was found to be already deceased. Thereafter, the complainant was medically examined, and his statement was recorded, on the basis of which the present FIR was registered.

2.4 During the course of investigation, based on CCTV footage and a secret information, it was discovered that co-accused Vikky, Shivkant, and CCL Arjun were involved. They disclosed that all six accused, including the applicant/ Mayank Singh, participated in beating the complainant and the deceased victim. It was further revealed that the premises where the incident occurred was a rented property in the name of co-accused/ Suraj alias Rikky.



3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would *inter alia* argue on the lines of grounds pleaded in the petition as below:-

4.1 That the Applicant has been falsely and maliciously implicated at the instance of co-accused and interested persons. He has nothing to do with the alleged offence as alleged by the police. The Applicant has been in judicial custody since 12.05.2022 and has thus undergone prolonged incarceration without conclusion of trial, which amounts to pre-trial punishment and violates the fundamental right under Article 21 of the Constitution of India.

4.2 That the name of the Applicant was not mentioned in the FIR lodged by the complainant Manoj @ Pappu and surfaced only after the statement of co-accused Vicky @ Pange and his associates. The Applicant's implication is thus a result of disclosure statements by co-accused, which are inadmissible under Section 161 Cr.P.C. except for the limited purpose of contradiction. Reliance is placed on ***Parvat Singh & Ors. v. State of Madhya Pradesh, (2020) 4 SCC 33***, wherein the Hon'ble Supreme Court held that statements under Section 161 CrPC are not substantive evidence and cannot be the sole basis of conviction.

4.3 That the alleged involvement of the Applicant is confined to the mechanical disclosure statements of co-accused claiming that the applicant merely slapped the complainant a few times and left. These statements are repetitive, formulaic, and clearly fabricated under the influence of the main accused to extort money from the Applicant, who comes from a relatively affluent background. No incriminating recovery or material has been seized from the Applicant to corroborate these allegations.



4.4 That the charge sheet filed by the Investigating Agency is devoid of any substantive material such as CDRs, electronic records, or CCTV footage linking the Applicant to the crime scene. The Applicant does not own a mobile phone, and there is no evidence to prove his physical presence at the place of occurrence. CCTV footage and CDR analysis further establish that the Applicant was not present at the scene of offence. The entire implication is a result of familiarity being exploited by co-accused Vicky @ Pange to pressurize the Applicant for money.

4.5 That the Applicant has clean antecedents, is only 23 years old, and has never been involved in any criminal activity. He has cooperated with the Investigating Officer on every occasion, appeared whenever called, and there is no likelihood of him absconding, tampering with evidence, or influencing witnesses.

4.6 That investigation is complete, comprehensive charge sheet has been filed, and charges have been framed. Thus, there is no further requirement of custodial detention. Continued incarceration would serve no useful purpose and would amount to punitive detention rather than preventive custody.

4.7 That the Applicant's prolonged incarceration is causing irreparable harm to his personal life and placing severe emotional and financial strain on his family who rely on him for his support and presence in their lives. The denial of bail, in effect, infringes his fundamental right to life and personal liberty.

4.8 That reliance is placed on ***Dr. Vinod Bhandari v. State of M.P., 2015 (2) JCC 1127***, and ***State of Kerala v. Raneef, (2011) 1 SCC 789***, wherein it has been held that the object of custody is only to secure the presence of the accused during trial and that indefinite detention pending trial is



impermissible, especially where there is delay in conclusion of trial.

4.9 That the Applicant is entitled to the presumption of innocence until proven guilty, and personal liberty is one such manifestation of this principle. That the applicant is willing to furnish sound surety to the satisfaction of this Hon'ble Court and undertakes to abide by any conditions imposed, including regular appearances before the Trial Court.

4.10 Given the Applicant's clean antecedents, prolonged custody, lack of substantive evidence, and complete investigation, it is prayed that the Applicant be released on regular bail.

5. Opposing the submissions, the learned APP submits that the applicant is not entitled to the concession of bail as there exists a genuine apprehension that, if released on bail, the applicant may abscond and evade the process of law, threaten or intimidate the complainant and prosecution witnesses, tamper with material evidence, and even indulge in similar criminal activities again. It is further submitted that the earlier bail applications of the applicant was dismissed by learned Trial Court vide orders dated 03.02.2025 and 09.04.2025 respectively. It is therefore urged that continued custody of the applicant is necessary to ensure a fair trial and to prevent any misuse of liberty, and the instant petition deserves to be dismissed being devoid of merit.

6. Having heard, Prima facie, I am of the view that there may be some substance in certain the arguments addressed on merits by the learned counsel for the applicant, but the same are a matter of trial. However, in light thereof, it appears to be a case for bail for the reasons stated here in after.

7. I have perused the statement of PW-5/ complainant, i.e., the eye-



witness Manoj @ Pappu. No doubt, while in his chief examination he clearly mentioned the names of the accused, in line with what he had earlier stated under Section 161 Cr.P.C. before the Investigating Officer. However, when subjected to cross-examination, his testimony stood impeached. He categorically admitted that he had not disclosed the names of the assailants to the doctor, as he was unaware of who had assaulted him, and that, at the time of the occurrence, he had been beaten by the general public. He also admitted that he did not even know the duty constable who was present at the hospital. Thus, the stand taken by him during cross-examination is reflective that the possibility of his statement made in Court during examination-in-chief and, under section 161 of CR P C, being tainted cannot be ruled out.

8. Not only the applicant is not named in the FIR, but was subsequently added as accused on the basis of disclosure statement of co-accused Vicky @ Pange and the said disclosure statement *per se* cannot be treated as proof of culpability unless accompanied with corroborating evidence.

9. The only allegation against him is that he slapped the complainant a few times, to extort money from the Applicant. No incriminating recovery has been made from him. CCTV and CDR analysis establish his absence from the scene.

10. Be that as it may, all this is a matter of trial. Suffice, but, at this stage, that in view of testimony, *ibid*, a doubt is casted on the prosecution version *qua* the applicant.

11. The applicant has already remained in custody since 12.05.2022 for more than 3 years. This prolonged pre-trial detention, coupled with the slow progress of proceedings, are contributory factors for bail and further



continued incarceration would cause undue hardship to the applicant's family and serve no useful purpose, especially when the trial is not likely to conclude in the near future as it violates the fundamental rule i.e. *bail is the rule and jail an exception*.

12. As regards the apprehension of tampering with evidence, there is nothing on record to suggest that he would interfere with evidence, or influence witnesses. There is also no likelihood of the applicant absconding, given that he is a well-settled individual, has deep roots in society, and his family is dependent on him for their well-being, and hence not a flight risk.

13. Considering that the primary purpose of bail is to secure the presence of the accused during trial, coupled with the fact that the applicant poses no risk of absconding, his continued detention at this stage would serve no purpose other than to punish him prior to conviction.

14. As an upshot and taking a wholesome view of the matter, particularly the undertaking given by learned counsel for the applicant and apart from what has been recorded hereinabove, I am of the view that it is a case of bail at this stage.

15. Thus, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

16. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

17. Accordingly, the bail application, along with pending application



stands disposed of.

ARUN MONGA, J

SEPTEMBER 19, 2025/dy