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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 24.04.2025***+ **BAIL APPLN. 2314/2024****NAVEEN @SANDEEP**

.....Petitioner

Through: **Mr. Mohit Garg, Adv.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Raghuinder Verma, APP
for State with Inspector Arjun
Singh, PS Krishna Nagar.****Mr. Faraz Maqbool, Ms. Sana
Juneja and Ms. Deepshika,
Adv. for Complainant.****CORAM:****HON'BLE MS. JUSTICE SHALINDER KAUR****SHALINDER KAUR, J. (ORAL)**

1. By way of the present petition under Section 439 of Criminal Procedure Code, 1973 (CrPC), the petitioner seeks grant of regular bail in FIR No. 355 of 2020 dated 20.07.2020 registered for offences under Section 302/34 of the Indian Penal Code, 1860 (IPC) at Police Station Krishna Nagar, Delhi.

2. It is the case of the prosecution that on 20.07.2020, information was received at Police Station Krishna Nagar vide DD No. 5A regarding a quarrel at H No. 662, Jheel Khuranja, Geeta Colony, Delhi. Pursuant thereto, the Investigating Officer proceeded to the



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spot, where a pool of blood was found and the injured had already been taken to SDN Hospital *vide* MLC No. 1982/20, and was subsequently referred to Safdarjung Hospital for treatment. However, at Safdarjung Hospital, he was declared brought dead. The crime team inspected the spot, which is 666A, Jheel Khuranja, Geeta Colony.

3. The case was registered on the basis of the statement of the wife of the deceased, who alleged that while she was accompanying her husband to the hospital prior to his death, he disclosed to her that he had been physically assaulted and stabbed with a knife by Sandeep, Chhavi, and their associates. Thereafter, the petitioner was arrested on 20.07.2020.

4. During the course of investigation, blood, blood-stained earth, earth control, blood-stained jeans and shoes of the deceased were seized from the scene of the crime through a seizure memo. Additionally, one DVR was also seized, in which the entire incident of the murder was captured from 11:05 PM to 11:10 PM.

5. The Charge-Sheet in the present case has been filed under Sections 302/34 of the IPC against all the accused persons, namely, Naveen @ Sandeep (the petitioner herein), Nitin Kapoor @ Chhavi, Hemant @ Sarvan, and Gaurav @ Lefty Garav. The role assigned to the petitioner is that he inflicted the stab injury on the victim with a knife. The weapon of offence, being a blood-stained knife, was recovered at the instance of the petitioner.

6. The petitioner preferred his first regular bail application before the learned Trial Court which was dismissed *vide* its Order dated



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15.05.2024.

7. The learned counsel for the petitioner submits that the only evidence on record against the petitioner is the statements of PW1, PW4, PW6, and PW8, and that none of these witnesses have supported the case of the prosecution. He further submits that PW1 failed to identify the petitioner as one of the assailants in the CCTV footage. Moreover, upon being shown the accused persons, PW1 stated that she does not know them. He also contends that none of the public witnesses show the complicity of the petitioner in the commission of the alleged crime.

8. The learned counsel further submits that 17 out of 30 witnesses have been examined so far, and all the material public witnesses have already been examined. More so, only formal witnesses now remain to be examined and nothing incriminating has emerged against the petitioner in the course of the trial.

9. He submits that the learned Trial Court rejected the bail application of the petitioner solely on the ground that the allegations against the petitioner are grave and serious in nature and failed to consider that it is trite law that the gravity of the offence cannot be the sole basis for the refusal of bail.

10. He further submits that the trial is likely to take considerable time to conclude, and the petitioner has been in custody since 20.07.2020, i.e., a period of nearly five years. Additionally, he submits that one of the co-accused, namely Gaurav @ Lefty, has already been granted regular bail by the learned Trial Court *vide* order dated



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06.01.2024. In view thereof, he prays that the petitioner be released on bail in the present FIR.

11. *Per contra*, learned APP for the State submits that the examination-in-chief of the witnesses has supported the case of the prosecution, and it is only during cross-examination that they have not supported the case of the prosecution. He submits that the evidence has to be appreciated in its entirety, and thus, it cannot be said that the evidence on record does not support the case of the prosecution.

12. He draws this Court's attention to the CCTV Footage Analysis in the Charge-Sheet and submits that the entire incident has been clearly captured therein, and the assailants have been duly identified, one of whom is the petitioner.

13. He submits that there is another FIR registered against the petitioner, bearing FIR No. 256/2019, for offences under Sections 324/341/34 of the IPC at Police Station Geeta Colony, but the petitioner has been admitted to bail in that matter. Further, he submits that the petitioner is the main accused in the present case, and the role assigned to him is different from that of the other co-accused person.

14. Lastly, he submits that if the petitioner is released on bail, there is a likelihood that he may threaten the witnesses and that he could commit similar offence. Therefore, he prays that bail be denied in the present case.

15. The prosecution has alleged that petitioner is the main assailant, who along with co-accused has inflicted stab injuries on the the deceased person. The weapon used to commit the offence is stated to



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have been recovered at the instance of co-accused namely Gaurav and the petitioner. The co-accused Gaurav has already been admitted to bail.

16. More so, the statements of all the public witnesses have been recorded, and though they initially supported the prosecution's case during their examination-in-chief, in cross-examination, they have taken a different stand and have not support the prosecution's case.

17. As per the nominal roll dated 13.09.2024, the petitioner is 26 years old and is involved in two other criminal cases i.e., bearing FIR no. 256 of 2019 registered for offences under Section 324/341/34 of the IPC at Police Station Geeta Colony, in which he is on bail and another case bearing FIR no. 73/2019 registered for offences under Section 323/341/34 of the IPC at Police Station Krishna Nagar, wherein he has been acquitted. No other criminal case is pending against him, and his overall jail conduct is stated to be 'satisfactory.' The petitioner has been in custody since his arrest on 21.07.2020 and has never availed even an interim bail.

18. Further, out of the 30 witnesses cited by the prosecution, only 17 witnesses have been examined till date. Therefore, it cannot be said that the trial shall conclude soon.

19. In totality of the circumstances, the petitioner is admitted to regular bail on furnishing a personal bond in the sum of Rs. 30,000/- with two surety in the like amount, to the satisfaction of learned Trial Court / CMM / Duty Magistrate, subject to the following conditions: -

- i. The Petitioner shall not leave the State of NCT of



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Delhi without prior permission of the learned Trial Court.

- ii. The Petitioner is directed to give all his mobile numbers to the Investigating Officer and keep it operational at all times.
- iii. The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other person acquainted with the facts of case. The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
- iv. The Petitioner shall report at the Police Station Krishna Nagar on every Wednesday and Saturday between 4:00 PM to 6:00 PM. The concerned officer shall release the Petitioner after recording his presence and after completion of all the necessary formalities.
- v. The Petitioner shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change of residential address.
- vi. The Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.

20. Needless to state, any observation made hereinabove shall not tantamount to be an expression on the merits of the case before the



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learned Trial Court and has been made for the consideration of the present bail application alone in the prevailing circumstances.

21. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

22. Accordingly, the petition, along with the pending application, is disposed of.

SHALINDER KAUR, J

APRIL 24, 2025/ss/sk

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