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

+ **BAIL APPLN. 2447/2025**

KARAN

.....Petitioner

Through: Mr. Sanjay Suri, Ms. Vinny
Shangloo, Mr. Rishabh Relan, Mr.
Karan Dahiya Advocate.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

18.09.2025

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1. Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) erstwhile Section 439 of Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.PC'*), has been filed on behalf of the **Petitioner/Karan, for grant of Regular Bail** in FIR No.116/2023 dated 08.03.2023 under Section 302/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Punjabi Bagh.

2. Status Report has been filed by the State in the Court today. Let the same be taken on record.

3. It is submitted in the Bail Application that the Applicant has been falsely implicated in this Case and there is no legal evidence against him. Even otherwise, no case is made out against him in the given facts and circumstances of this case. It was a sudden occurrence without any *mens rea*



when a sudden fight took place between the deceased, who was in a drunk condition and was threatening the Applicant time and again, which shows that it is not a case under Section 302 IPC. Further, the video footage collected by the Prosecution, shows that the Accused and the Applicant had an altercation and while the Applicant was going back towards his house, the deceased came towards him and threatened him. Sudden fight, thus, ensued between the deceased and the co-accused, Arjun, who is the brother of the Applicant.

4. As per the Prosecution story, the blow given by the co-accused, Arjun, proved to be fatal and resulted in the death of the *deceased, Mr. Vikas Chandra*. The said FIR was recorded on the Statement of one, Kalla Ahirwar. After investigations, the Charge-Sheet has already been filed in the Court. Admittedly, as per the Prosecution version, the Applicant never touched the body of the deceased and no overt act is attributed to the Applicant. This is also corroborated by the CCTV footage showing that the Applicant had walked away after an altercation with the deceased and that he had not caused any injury on the person.

5. The two star witnesses of the Prosecution, namely, Kalla Ahirwar and Paras, have attributed the injury, which is a single blow on the person of the deceased by co-accused, Arjun and not the Applicant. It is asserted that the so called eye witnesses have been planted by the Investigating Officer.

6. The Applicant has got fixed abode of living and there is no apprehension of his absconding or tampering with the Prosecution evidence. He is the sole bread earning member of the family and has an old aged mother, a wife and a two year old daughter, who was born after the Applicant was taken into custody. They have become destitute in the



absence of the Applicant. He has clean antecedents and was never involved in any other criminal case. He has nothing to do with the commission of the offence and there is not an iota of evidence against him. He is in Judicial Custody since 09.03.2023.

7. *A prayer is, therefore, made that he be granted Bail.*

8. **Status Report has been filed on behalf of the State** wherein it is submitted that the Complainant, Vijay Kumar, gave a Statement that the deceased/Vikas Chandra, was working as a DSM in the CNG Pump, New Rohtak Road, Rampura, Delhi where the Complainant also works as a sweeper. At about 04:00 p.m, while he was at the CNG Pump, he heard some noise from the adjacent street. When he reached there, he found DSM, Vikas Chandra lying unconscious on the road near a white Swift Dzire Car parked in the street. Several persons had gathered and were saying that Applicant, Karan and his brother, Arjun, had brutally killed Sh. Vikas Chandra.

9. The CCTV footage was seized near the place of indecent wherein the deceased and the co-accused, Karan can be seen having a scuffle with each other. Thereafter, the co-accused, Arjun can be seen running towards the deceased and hitting him on his shoulder and face, due to which Vikas Chandra fell and ultimately died. The Post-Mortem of the deceased was conducted on 09.03.2023 and the Autopsy Surgeon opined that the cause of death is *Cerebral damage as a result of blunt force/object impact. All injuries are antemortem in nature.*

10. The Charge-Sheet has already been filed against the Applicant and the co-accused, Karan and Arjun. FSL result has also been filed along with the Supplementary Charge Sheet. There are 34 Prosecution witnesses, out of



which four, have been examined.

Submissions heard and the record perused.

11. It is the case of the Prosecution itself, that in the CCTV footage near the place of incident, Applicant/Karan could be merely seen ‘scuffling’ with the deceased, however, he never caused any injury on the person of the deceased. Evidently, the Applicant never even touched the body of the deceased. Furthermore, in the CCTV footage, it was the co-accused, Arjun, who can be seen running towards the deceased and hitting him on his shoulder and face, due to which he fell and fainted.

12. The Charge-Sheet has already been filed. Also, the FSL results regarding the exhibits, has already been submitted through the Supplementary Charge-Sheet. Four witnesses out of 34 Prosecution Witnesses, have been examined. The Accused is in Judicial Custody since 09.03.2023. There is nothing to show that he is a flight risk or that there is any apprehension of him threatening the witnesses or tampering with the evidence.

13. Considering his long period of incarceration and the facts of the Prosecution case and also that only four out of 34 Prosecution witnesses, have been recorded thereby indicating that the trial would take long, the Applicant/Accused is granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/accused shall appear before the Court as and when the matter is taken up for hearing;



- c) The Petitioner/accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Petitioner/accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Petitioner/accused changes their residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

14. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.

15. The above Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 18, 2025/RS