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

+ **BAIL APPLN. 2897/2024**

AMAN

.....Petitioner

Through: Mr. A. K. Pandey & Mr. Mandeep Singh, Advocates for petitioner along with Parokaar (father of petitioner).

versus

THE STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for State with Inspector Govind Singh & SI Pankaj Kumar, PS Jyoti Nagar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

04.03.2025

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1. By the way of present application, the applicant is seeking regular bail in FIR No. 172/2019 dated 30.05.2019, registered at Police Station Jyoti Nagar, Delhi for offences punishable under Sections 302/307/34 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Section 25 and 27 of the Arms Act, 1959 (hereafter '*Arms Act*').

2. Briefly stated, the facts of the present case are that on 29.05.2019 on receiving information that two boys had suffered gunshot injuries at main 20 *futa* road, near Axis Bank, Meet Nagar, Delhi, the police officials had reached the place of incident and had found two persons lying on the road, who were bleeding profusely. The police officials had also found some fired bullets, 01 missed round, 02 empty cartridges and 01 live cartridge at the



spot. A black Splendor motorcycle was also found lying on the road. The aforesaid two persons namely Aakash Verma and Govind Singh Bhati were declared 'brought-dead' upon arrival at the GTB Hospital. Thereafter, the present FIR had been registered.

3. During the course of investigation, the eye witness of the incident namely Pramod Kumar had specifically disclosed that he had seen the co-accused Avneesh and Anil and their 4-5 other associates, including the present applicant Aman, carrying pistols and knives, and that the co-accused Anil and Avneesh had fired several gunshots towards him and his friends, and their assailants, including the present applicant, attacked them with knives, due to which his friend Govind had received gunshot injuries and died. He also disclosed that one another person (later identified as Aakash) had also received injuries in the said incident. The post-mortem of both the deceased persons was conducted, and 05 bullets were recovered from the body of deceased Govind Bhati and one bullet was recovered from the body of deceased Aakash Verma. After completion of the investigation, charge-sheet and supplementary charge-sheet under Section 302/307/34 of IPC and Section 25/27 of the Arms Act were filed against all the accused persons in the present case. As per Status Report, accused persons namely Aman, the present applicant, Anil @ Lala, Ankit, Ashu, Hemant and one CCL 'F' were arrested during investigation, whereas the co-accused Avneesh had absconded and was later arrested on 22.08.2019.

4. The learned counsel on behalf of the applicant states that the applicant has been falsely implicated in the present case and that the applicant herein has been in judicial custody for more than five years. It is also argued that the accused is not visible in the CCTV footage placed on record. It is further



submitted that the applicant herein has no previous involvement in any case. Therefore, it is prayed that applicant be released on regular bail.

5. The learned APP appearing for the State, on the other hand, opposes the bail application and submits that the present case involves murder of two deceased/victims. It is submitted that during trial of the case, the complainant and other material witnesses have supported the prosecution's case and identified the applicant specifically. It is further submitted that there is a strong possibility that the applicant may abscond, tamper with evidence or influence witnesses, if released on bail, and therefore, it is prayed that the 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. In the present case, the allegations against the applicant herein are that he was a part of the group of assailants who had attacked the victims with knives and had fired gunshots towards the victims/deceased persons, namely Govind Bhati and Akash Verma on the day of alleged incident i.e. 29.05.2019. The material witnesses in this case have testified that they had seen the accused Anil and Avneesh and their assailants firing gunshots towards the victims and causing injuries to them through knives. The post-mortem report in this case opines that five bullets were found in the body of deceased Govind Bhati, and one bullet was found in the body of deceased Akash Verma.

8. This Court has also perused the testimonies of the material witnesses. PW1 Pramod Kumar, i.e. one of the eye-witnesses of the incident has specifically deposed that on the day of incident, he had seen the co-accused Avneesh and Anil and 4-5 other associates, including the present applicant



Aman, firing towards the victims and causing injuries to them through knives, due to which the victims had suffered gunshot injuries and later succumbed to their injuries. During the course of trial, PW1 has also identified the present applicant.

9. Similarly, PW2 has deposed that on the day of incident, he had seen co-accused Anil and accused firing upon the victims, whereas their associates, including the present applicant Aman, were causing injuries to them through knives. PW2 had also identified the present applicant during the course of recording of his testimony.

10. At this stage, 15 out of 39 prosecution witnesses having examined as yet and out of the material/eye witnesses so examined, except PW-4, other material/eye witnesses have largely supported the prosecution's case. However, some material witnesses are yet to be examined.

11. The Hon'ble Supreme Court in **Vijay Kumar v. Narendra & Ors.: (2002) 9 SCC 364**, held as under, with regard to grant of bail in offences like murder punishable under Section 302 of *IPC*:

"10. ...The principle is well settled that in considering the prayer for bail in a case involving serious offences like murder, punishable under Section 302 IPC, the court should consider the relevant factors like the nature of the accusation made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, and the desirability of releasing the accused on bail after the have been convicted for committing the serious offence of murder...".

12. In **X v. State of Rajasthan & anr: SLP (Crl) No. 13378/2024**, the Hon'ble Supreme Court has observed that ordinarily, once the trial commences and prosecution starts examining witnesses, the Court should be loath in granting bail to accused persons in serious offences like rape,



murder, dacoity, etc.

13. In this regard, this Court is of the opinion that the evidence on record is sufficient to *prima facie* reflect the involvement of the present applicant in the commission of alleged offence.

14. Therefore, considering the overall facts and circumstances of the case, this Court finds no ground to grant regular bail to the present applicant.

15. Accordingly, the present bail application stands dismissed.

16. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

17. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 4, 2025/

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