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

+ **BAIL APPLN. 2819/2025**

RAJENDRA @ CHANDNI

.....Petitioner

Through: Mr. Arvind Vats and Mr. Vishesh
Goel, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with Inspector Parmjit Singh
Mr. Deepak Kumar and Mr. Amit
Kumar, Advocates for complainant

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

24.09.2025

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1. By way of the present application, the applicant seeks the grant of regular bail in a case arising out of FIR bearing No. 156/2022, registered at Police Station Burari, Delhi, for the commission of offences punishable under Sections 302/365/120B/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
2. Briefly stated, the facts of the present case are that on 23.01.2022, a PCR call had been received at PS Burari informing that one Rohan (hereafter 'deceased'), aged about 18 years, had been missing, whereafter a missing report was lodged vide DD No. 13A dated 24.01.2022. Upon a preliminary enquiry, his CDRs were obtained, which revealed that he had been last seen in the company of one Gopal. Later, when Gopal was apprehended, it was disclosed by him that he, along with his associates



Rajender (applicant), Rinku and Sushil, had kidnapped and murdered the deceased by making him drink alcohol and suffocating his throat and mouth. Thereafter, the body of the deceased was recovered from a locked room in a vacant plot at Harit Vihar, Burari, lying on the floor with fluid oozing out of his mouth, ears and nose and some foreign substance, having been stuffed into his mouth. which, upon being taken to Aruna Asif Ali Hospital, the deceased was declared brought dead. During the course of investigation, the post-mortem, FSL proceedings and recording of material witnesses' statements were carried out and it had emerged that the present applicant was in the company of the deceased at the relevant point of time, which prompted the above-captioned FIR under Sections 302/365/120B/34 of the IPC.

3. This Court, at the outset, is informed that despite its order dated 30.07.2025, the Trial Court Record has still not been received. The District Judge concerned is thus directed to show cause as to why it has not been received.

4. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is argued that the disclosure statement of the co-accused Gopal clearly mentions that, *firstly*, the applicant had left the place of offence before the alleged offence, and *secondly*, when the applicant was present at the spot, the deceased was alive, which shows that he was not involved in the commission of offence. It is further argued that there is no other incriminating evidence to connect him with the alleged incident, and his mere presence at the spot is not sufficient. Furthermore, it is contended that the accused has been in judicial custody for the last three years, and no witness has been examined before the learned



Trial Court so far. Thus, it is prayed that the present bail application be allowed.

5. The learned APP for the State, on the other hand, opposes the bail application and argues that the present FIR records specific allegations of the parents of the deceased to the effect that the deceased was in the company of the applicant at the relevant point in time. Further, reliance is placed on a video of the spot made by the present applicant, which, upon its retrieval from the mobile phone of applicant during the FSL examination, confirms his presence at the spot. Furthermore, it is contended that statement of one witness, Kamal, recorded under Section 161 of Cr.P.C, indicates that on the date of the incident, the applicant, alongwith other accused persons as well as the deceased, had visited to his shop to buy Chowmein, which shows that the applicant was in the company of the deceased on the day of the incident. Additionally, it is argued that the scooty on which the deceased had been taken to the spot in question belongs to the applicant.. Therefore, it is prayed that the present bail application be dismissed.

6. This Court has **heard** the arguments addressed by the learned counsel for the applicant and the learned APP for the State, and has perused the material on record.

7. In the present case, the allegations against the accused persons are grave and serious in nature as they had allegedly kidnapped the deceased for ransom, intoxicated him and subsequently murdered him. This Court notes that the applicant does not dispute his presence at the spot *per se*. In fact, the FSL examination of the video made by the applicant of the spot, though initially deleted by him from his mobile phone, upon its subsequent retrieval, clearly reveals his presence at the spot;



8. However, what has been argued is the lack of participation of the applicant in the commission of alleged offence. In this regard, at this stage, this Court observes that there exists sufficient material to indicate his *prima-facie* involvement. In the offence, perusal of the FIR reveals specific allegations *qua* the applicant. Further, the statement of witness Kamal recorded under Section 161 of Cr.P.C. supports the prosecution's case to the extent that the applicant was in the company of the deceased at the relevant point of time. Furthermore, the vehicle used to orchestrate the alleged incident has also been identified as belonging to the applicant herein. In the light of these facts and circumstances and the material collected by the prosecution, it is difficult to accept the contention of the applicant that he was merely present at the spot and did not play any role in commission of the offence. The applicant's reliance on the disclosure statement made by the co-accused to showcase his innocence, is without merit, as the same is inadmissible in evidence and thus cannot be a ground for grant of bail at this stage.

9. This Court also notes that trial is at a crucial stage and material prosecution witnesses are yet to be examined. Therefore, this Court is of the view that no ground for the grant of bail to the applicant is made out.

10. In view of the above, the present application is dismissed.

11. However, the learned Trial Court is directed to ensure that the public witnesses in the present case are examined expeditiously.

12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 24, 2025/vc