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

+ **BAIL APPLN. 2878/2025 & CRL.M.A.Nos. 22414-15/2025**

RAVINDER SHAHNI

.....Applicant

Through: Ms. Vrinda Bhandari,
Advocate from DHCLSC
with Ms. Vanshita Gupta,
Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Ms. Richa Dhawan, APP
for the State with Insp.
Sanjay Dahiya and SI
Deepak Sahu, PS Punjabi
Bagh.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **03.09.2025**

1. The present bail application is filed seeking regular bail in FIR No. 286/2022 dated 18.03.2022, registered at Police Station Punjabi Bagh, for the offences under Sections 302/323/342/34 of the Indian Penal Code, 1860 ('**IPC**').

2. The FIR was registered pursuant to a complaint given by the sister of victim in relation to an altercation between the victim and the accused persons on the occasion of Holi, which led to fatal injuries to the victim. It is alleged that on hearing noise from the second floor, the complainant rushed to the spot with the victim and saw that her younger brother was being beaten by accused Tilju and Rajkumar. When the victim and the complainant tried to intercede, they were allegedly attacked by the accused persons and given beatings. It is alleged that the applicant and co-accused Rajkumar held the victim while the

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accused Gariban stabbed him in the chest. Allegedly, the victim collapsed after being stabbed, despite which, the accused persons kept beating him mercilessly. The victim was declared as brought dead at the hospital. The chargesheet has been filed in the present case for the offences under Sections 302/ 323/ 342/ 34/ 147/ 148/ 149 of the IPC.

3. The learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case.

4. She submits that the applicant has already spent three years and five months in custody, and the matter is still at the stage of examination of prosecution witnesses. She further submits that all material witnesses have already been examined and only formal/ official witnesses remain, whereby, there is no apprehension of the applicant influencing the witnesses.

5. She submits that there are many contradictions in the evidence of the eye witnesses, that is, PW2 (complainant/ sister of victim), PW4 (neighbour of complainant) and PW5 (younger brother of victim). She points out that while PW4 has deposed that he came to the spot on hearing some noise and saw the victim as well as PW5 being beaten by the accused persons, PW5 has deposed that he had gone to the spot prior to the victim where a quarrel was going on between one person and PW4. She further submits that PW2 failed to identify the applicant by his name during examination and identified him as “Mithun”, which shows that she is not a reliable witness as she has also admitted during cross-examination that she did not know the accused persons personally.

6. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the

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applicant on account of the gravity of the offence.

7. She submits that the applicant has not disputed his presence at the spot and the witnesses have substantially supported the case of the prosecution. She submits that any minute inconsistencies ought not to be considered at this stage.

8. I have heard the counsel and perused the record.

9. The Hon'ble Apex Court in catena of judgments has consistently emphasised the factors to be taken into account when considering bail application, which include: (i) the nature or gravity of the offense; (ii) the character of the evidence and circumstances unique to the accused; (iii) the likelihood of the accused evading justice; (iv) the potential impact of the release on prosecution witnesses and its societal repercussions; and (v) the probability of the accused engaging in tampering.

10. It has been held in a catena of judgments that while considering an application of the accused seeking bail, the Court would not be justified in going into evidence on record at such depth so as to ascertain probability of conviction of the accused as the same is a matter of trial.

11. I have perused the statement of the eye witnesses. Some minor contradictions have been pointed out by the learned counsel for the applicant. The same in the opinion of this Court at this stage will not come in aid of the applicant being released on bail.

12. In the present case, the allegations against the applicant *prima facie* are serious in nature. It is the case of the prosecution that the applicant along with other co-accused persons are involved in the commission of the murder of the victim. The applicant is alleged to have inflicted beatings on the victim and to have caught hold of the victim when the accused Gariban



stabbed the victim in the chest with a vegetable cutting knife.

13. It is argued on behalf of the applicant that material witnesses have already been examined and that there are certain discrepancies in the statements of the witnesses. It is stated that PW2 is not a reliable witness as she has stated that she did not know the accused persons personally and admitted that she had not met them prior to the incident. It is further argued that there are inconsistencies in the statement of PW4 and PW5 in relation to when they reached the spot of the incident.

14. Identical ground in relation to PW2 having stated that she did not know the accused persons prior to the incident were raised by accused Gariban and Rajkumar before this Court, in their respective bail applications, being, BAIL APPLN. 132/2025 and BAIL APPLN. 158/2025. By common order dated 29.04.2025, this Court had dismissed the aforesaid bail applications by rejecting the said argument and observing that from a perusal of record, it is *prima facie* apparent that the eye-witnesses have identified the applicants and have supported the case of the prosecution. It was noted that whether the pointed discrepancies would be fatal to the case of the prosecution would be tested during the course of the trial and would be considered at the time of final arguments and the same cannot be made a ground to enlarge the applicants on bail at this stage.

15. Insofar as the other inconsistencies in the statements of PW4 and PW5 are concerned, this Court does not consider it appropriate to examine the reliability/ credibility of the said witnesses in detail at this stage. *Prima facie*, PW4 and PW5 along with PW2 have substantially corroborated the manner in which injuries were inflicted upon the victim and their evidence is consistent *qua* the role attributed the respective accused



persons. PW4 and PW5 have also identified the accused persons, although PW5 has only recognised them by face as he did not remember their names. In the opinion of this Court, the effect of the contradictions that have pointed out by the learned counsel for the applicant can only be tested during the course of the trial and the said contradictions will not come in aid of the applicant so as to entitle him to bail.

16. It is argued that the applicant has spent more than three years and five months in custody, and he ought to be enlarged on bail as the trial is not likely to conclude in the near future. It is further pointed out that 8 out of 25 witnesses have already been examined and only formal witnesses remain to be examined.

17. Even though the applicant is in custody for more than 3 years, however, it cannot be ignored that the applicant is charged for the offence under Section 302 of the IPC and if convicted, he will be sentenced to undergo imprisonment for life. Thus, this Court does not consider it apposite to admit the applicant on bail solely on the ground of the period already spent in custody.

18. It is pertinent to mention that while deciding the question of bail, the Court must carefully balance the individual's right to liberty with the interests of justice. While the presumption of innocence and the right to liberty are fundamental principles of law, they must be considered in conjunction with the gravity of the offence and its impact on society.

19. In view of the aforesaid discussion, this Court is of considered opinion that *prima facie*, there are serious allegations against the applicant which at this stage cannot be said to be without any material, and this Court is not inclined to grant bail to the applicant at this juncture.

20. The present bail application is therefore dismissed.



21. However, considering that the FIR was registered way back in the year 2022, the learned Trial Court is requested to expedite the recording of the evidence.

22. It is made clear that the observations made in the present case are only for the purpose of considering the bail applications and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

SEPTEMBER 3, 2025

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