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

+ **BAIL APPLN. 2930/2025**

VIPIN

.....Petitioner

Through: Mr. C.M. Sangwan and Mr. Saksham Aggarwal, Advs.

versus

THE STATE (GOVT. OF NCT DELHI)

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for the State with Insp. Bijay Kumar, PS S.B. Dairy.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

18.09.2025

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1. This is an application filed on behalf of the petitioner Vipin for the grant of bail in case FIR no. 200/2023 under Section 363 IPC.
2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. No recovery has been affected from the possession of the present applicant. He further states that co-accused Vikram, Harshit and Pankaj with similar role have already been enlarged on bail, and, therefore, petitioner is entitled to the grant of bail on the ground of parity.
3. It is further submitted that the complainant as also the father of the deceased have already been examined and cross-examined. According to the learned counsel, they have turned hostile and have not supported the prosecution case. It is argued that there is no evidence against the present



petitioner, he is therefore entitled for the grant of bail.

4. Learned APP submits that the role of the present petitioner is different from that of the co-accused who have been enlarged on bail inasmuch as there is last seen evidence against him. It is argued that the allegations against the petitioner are grave and serious in nature and, therefore, he is not entitled for the grant of bail.

5. FIR under Section 363 IPC was registered on the statement of the mother of the victim. The body of the victim was recovered on 22.01.2023. As per the post-mortem report, the death was due to cranio-cerebral damage consequent to the injury on the head.

6. During investigation, on the basis of secret information, the present petitioner along with co-accused persons as well as two CCLs were arrested and during interrogation, the petitioner disclosed that deceased Manjeet borrowed clothes and money from the shop of co-accused Harshit. When asked to make the payment, Manjeet threatened Harshit that he would file a frivolous complaint him. Therefore, they made a plan to eliminate Manjeet. All the accused persons including the CCLs called deceased Manjeet to the shop of Harshit where they asked him to make the payment for the clothes purchased from Harshit's shop, upon which, deceased Manjeet hurled abuses at one of the CCLs and following this, one of the CCLs pointed out a country-made pistol at deceased Manjeet and fired him from close range.

7. The victim had been missing since 08.01.2025. The FIR under Section 363 IPC was lodged on 19.01.2025 at the instance of mother of the victim. She did not report in the FIR that the applicant and the co-accused persons had taken away Manjeet with them. She stated about the same in her statement under Section 161 Cr. PC recorded on 22.01.2023. Admittedly, in



the first complaint which formed the basis of the registration of the FIR under Section 363 IPC, the mother of the victim did not state that Manjeet was taken away by the petitioner and the co-accused persons. Such statement came after considerable delay. No doubt, such issue has to be tested during the course of the trial in the light of evidence placed on record but at this stage it cannot be ignored that the evidence of last seen came for the first time after about 14 days.

8. The role of causing gunshot injury is ascribed to the CCL. The only role ascribed to the present petitioner is that he was also present at the spot at the time of occurrence. Weapon of offence has not been recovered from the present petitioner. Thus, besides the evidence of last seen, there is no other apparent evidence against the present petitioner, who is stated to be in custody since 25.01.2023. It has been submitted that only 6 witnesses out of 30 witnesses have been examined so far. The remaining witnesses to be examined are only formal witnesses and therefore there is no likelihood of threatening or influencing the witnesses. Since lot of witnesses remain to be examined, there is a remote possibility that trial would be concluded in near future.

9. Hence considering the totality of facts and circumstances and in the light of submissions made, the court is persuaded to grant bail to the petitioner Vipin subject to the following conditions:-

- a. Petitioner shall furnish a personal bond in the sum of Rs. 30,000/- with two sureties of the like amount to the satisfaction of the learned trial Court;
- b. Upon release, the petitioner shall furnish his mobile number to the IO/SHO of Police Station Shahbad Dairy and shall keep the mobile number operational at all times;
- c. The petitioner shall surrender his passport, if any, with



the trial Court, and shall not travel abroad without prior permission of the trial Court;

d. The petitioner shall not try to contact the prosecution witnesses or try to threaten or intimidate them and shall not indulge in any other criminal activity;

e. The petitioner shall furnish his residential address/contact details to the Interim orders, if any, to continue till the next date of hearing;

11. Nothing stated in this order shall be construed as an expression of opinion on the merits of the case.

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

13. The bail application stands disposed of in the aforesaid terms.

RAVINDER DUDEJA, J

SEPTEMBER 18, 2025/gs/Ak