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

+ **BAIL APPLN. 2991/2025 & CRL.M.A. 23131/2025**

CHAND ALI

.....Petitioner

Through: Mr. M.L. Yadav, Mr.
Harish Chand, Mr. Anant
Chittoria, Mr. P.C. Arya,
Mr. Deepak Kumar & Mr.
Prashant, Advs.

versus

STATE (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State
Inspector Sri Bhagwan,
PS- Rajouri Garden

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **25.09.2025**

1. The present application is filed seeking regular bail in FIR No. 999/2021 dated 01.12.2021, registered at Police Station Rajouri Garden, for offences under Sections 302/201/34 of the Indian Penal Code, 1860.

2. The FIR was registered on a complaint given by one Arun Robert, who was a friend of a victim and is also stated to be the eye-witness to the incident. It is alleged that on 30.11.2021, at about 9:40 PM, the victim was brutally attacked by the accused persons in front of H.No. D-66, TC Camp, Raghubir Nagar, Delhi and stabbed to death. It is alleged that the accused Salim grabbed the victim from behind while the accused Ladla stabbed the victim in his neck. Allegedly, the other accused persons, including the applicant, surrounded the victim at the time of



commission of offence and curtailed the possibility of the victim escaping from the spot.

3. The learned counsel for the applicant submits that he has been falsely implicated in the present case and even as per the case of the prosecution, the applicant's role was limited to standing at the scene of crime during the alleged incident and he did not deal the blow or grab the victim.

4. He submits that the complainant as well as eye witness—Surender (PW4) has categorically deposed that the applicant was not present at the spot.

5. He submits that the applicant has been in custody for more than 3 years and 8 months and only five witnesses have been examined till now.

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

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

8. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

9. It is the case of the applicant that his role as per the prosecution is limited to him being present at the spot and the complainant (PW1) as well as PW4, who are both eye witnesses



to the incident, have deposed that the applicant was not present at the spot of incident, and he is thus entitled to grant of bail.

10. The record indicates that although the complainant correctly identified the applicant, however, he deposed that the applicant was not present at the time of the incident and he was not involved.

11. While the eye witness Surrender (PW4), in his deposition on 26.02.2024, had also initially stated that the accused Salim was holding the hands of the victim from behind and the accused Ladla stabbed the victim with knife on neck while the applicant and the other co-accused were standing there, however, on 27.05.2025, he has stated that the applicant and the accused Raja were not present on the spot but were standing at the corner of the street where their houses are situated.

12. It is also stated that CCTVs were also installed at the place of incident and the applicant was not seen in the footage. While the probative value of the evidence will be tested during the course of the trial, at this stage, *prima facie*, some doubt has been cast on the very presence of the accused at the spot of the incident.

13. It is also pertinent to note that only five out of thirty six witnesses have been examined till now and the applicant has already spent more than three years and eight months in custody.

14. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.

15. It is stated that the applicant has clean antecedents, and it is unlikely that he will commit any offence whilst on bail.



16. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.

17. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court/Duty MM/Link MM, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court on every date of hearing, unless his appearance is exempted;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- f. The applicant shall visit the police station every week to mark his presence.

18. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to



seek redressal by filing an application seeking cancellation of bail.

19. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application 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.

20. The present bail application is allowed in the aforementioned terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

SEPTEMBER 25, 2025

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