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

+ BAIL APPLN. 2990/2025 & CRL.M.A. 23129/2025, CRL.M.A.
23130/2025
AJMAT ALI

.....Petitioner

Through: Mr. Nipun Katyal, Mr. Suchakshu
Jain and Mr. Manan Sharma,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP.
SI Amit, PS: S.P. Badli.
Insp. Naveen Ahlawat, Security Unit,
Delhi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.08.2025

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1. The present application filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of
Criminal Procedure, 1973²) seeks regular bail in proceedings arising from
FIR No. 195/2024 registered under Sections 302/34 of the Indian Penal
Code, 1860³ at P.S. Samaypur Badli. A chargesheet has also been filed in
the said FIR, against the Applicant and others, under Sections
302/354B/506/509/34 of IPC. The Applicant was arrested on 14th February,
2024 and has remained in custody since. His previous bail application was
rejected by order dated 28th May, 2025 passed by ASJ-04, North District,
Rohini Courts, Delhi.

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



2. The prosecution case, as set out in the chargesheet and supporting material, is summarised thus:

2.1. On 13th February, 2024 at about 01:54 AM, information was received from BSA Hospital regarding the admission of one Jatin (the deceased/victim) in an injured condition. On receiving the information, ASI Krishan Chand proceeded to the hospital and collected the MLC.

2.2. During enquiry, eye-witness Himanshu Rajput stated that on the evening of 12th February, 2024, he, the victim and several friends, i.e., Shivam, Deepu, Misham and another unnamed person, were together at the house of the deceased. At about 10:00-10:15 PM, some of the group proceeded to SGT Nagar. Jatin, Deepu, Misham and the unnamed friend went inside SGT Nagar. Before going in, Misham handed his phone to Himanshu, instructing him and Shivam to come and pick them up when they called. Shortly thereafter, Himanshu received an Instagram call from Deepu's account, informing him that Jatin was being assaulted by some persons.

2.3. When Himanshu and Shivam reached the spot, they saw 4-5 boys beating Jatin. While assaulting him, the assailants called out the names "Karan," "Kali," "Amit," and "Kalis". The names of the remaining assailants could not be heard clearly. When Himanshu and Shivam tried to intervene and save Jatin, the assailants threatened them as well. Once the assailants left, Himanshu and Shivam approached Jatin and took him to BSA Hospital, where he was declared dead.

2.4. Post-mortem dated 13th February, 2024, revealed that death was due to cerebral damage consequent to head injury, caused by blunt force. All injuries were ante-mortem and sufficient to cause death in the ordinary



course of nature. Viscera was preserved for chemical examination. On the basis of the above, the subject FIR was registered on 13th February, 2024.

2.5. Investigation revealed that there was a financial dispute between Jatin and the accused persons. It is alleged that the accused persons physically assaulted Jatin with a wooden stick which led to his death. CCTV footage related to the incident was also recovered from a shop near the place of incident.

2.6. Six accused persons, and the Applicant, were arrested on the basis of CCTV footage and statements of the witnesses. The Applicant is allegedly clearly seen in the CCTV footage beating the deceased. The DVR has been deposited with Forensic Science Laboratory (FSL), Rohini for examination and the report is awaited.

2.7. Chargesheet has been filed before the Court and the case is currently under trial.

3. Counsel for the Applicant makes the following submission in support of the Application:

3.1. The name of the Applicant does not figure in the FIR or in the statements of the eye-witnesses.

3.2. The CCTV footage purportedly showing the Applicant's involvement has neither been produced in Court record nor certified by the FSL, whose report is awaited. In the absence of such validation, no adverse inference can be drawn against the Applicant.

3.3. Even accepting the prosecution's version at face value, the incident is alleged to have stemmed from a financial dispute between the deceased and co-accused Karan and Kali. There is no suggestion of any personal enmity or financial dispute between the Applicant and the deceased. No specific



overt act has been attributed to the Applicant, and in a case resting entirely on disclosures and circumstantial evidence, absence of motive is a factor to be weighed in his favour.

3.4. The Applicant is a permanent resident of Delhi, has deep roots in the community with no criminal antecedents. The investigation stands concluded and the chargesheet has been filed. There is thus no reasonable apprehension that the Applicant would abscond, tamper with evidence, or otherwise obstruct the course of justice.

3.5. Statements of relevant witnesses under Section 161 Cr.P.C. have already been recorded, eliminating any possibility of the Applicant influencing or tampering with such evidence.

3.6. No incriminating recovery linking the Applicant to the alleged offence has been made.

3.7. The prosecution witnesses' accounts vary on material particulars, including the number of assailants, the sequence of events and the identity of participants. These contradictions, when read collectively, materially undermine the reliability of the prosecution's case.

3.8. It is a settled principle that bail is the rule and jail is the exception. In the absence of any compelling ground such as flight risk, likelihood of influencing witnesses, or possibility of tampering with evidence, continued incarceration serves no legitimate purpose.

3.9. The Applicant has co-operated throughout the investigation, has not attempted to evade or mislead investigation and there is no requirement for any further custodial interrogation.

4. Mr. Mukesh Kumar, APP for the State, opposes the grant of bail on the ground that the Applicant is involved in the grave and serious offence of



murder. It is submitted that the CCTV footage depicts the Applicant assaulting the deceased, though validation by the FSL is awaited. Further, the eye-witness identified the Applicant as one of the assailants when he was brought to the police station after his arrest. On this basis, it is urged that there exists a strong *prima facie* case against the Applicant, warranting rejection of the bail.

5. The Court has considered the aforementioned contentions and is of the opinion that no case for grant of bail is made out at this stage. The allegations against the Applicant pertain to the offence under Section 302 IPC, which is of the gravest nature, carrying the maximum penalty under the law. The material in the chargesheet, including the statements of eye-witnesses recorded under Section 161 Cr.P.C., *prima facie* indicates the Applicant's participation in the assault on the deceased. It is specifically alleged that the Applicant was apprehended on the instance of an eye-witness who identified him as one of the assailants. The prosecution further relies on CCTV footage said to depict the Applicant assaulting the deceased in the alleged incident. At the pre-trial stage, where the Court is not to conduct a meticulous evaluation of evidence, the existence of such material is sufficient to raise a strong *prima facie* case against the Applicant.

6. As regards the argument that the Applicant is not named in the FIR and that no specific role is attributed to him therein, it is trite law that an FIR is not intended to be an exhaustive account of every facet of the offence or an encyclopaedia of all persons involved. Its purpose is to set the criminal law in motion and provide a broad narration of the incident. The Supreme



Court has, in cases such as *Susanta Das & Ors. V. State of Orissa*,⁴ held that non-mention of an accused in the FIR is not, by itself, fatal where subsequent investigation yields credible material pointing to his involvement. In the present matter, the investigation has led to the recovery of CCTV footage and eye-witness identification implicating the Applicant. In such circumstances, the absence of his name in the FIR cannot, at this stage, outweigh the material indicating his participation, particularly in a case of homicide where the gravity of the offence and the nature of allegations require the Court to exercise greater caution before granting bail.

7. The Applicant's reliance on alleged contradictions in the prosecution's case also cannot be a determinative factor at this stage. Evaluating the credibility or consistency of witness statements demands a detailed appreciation of evidence, which must be undertaken during trial. At this stage, the Court's assessment is confined to whether the material placed on record, taken at face value, discloses a *prima facie* case. The existence of eyewitness identification, coupled with corroborative electronic evidence satisfies that threshold.

8. In prosecutions for grave offences such as murder, the settled position, as reiterated in *Kalyan Chandra Sarkar v. Rajesh Ranjan*,⁵ is while considering bail of a person was suspected of the crime of an offence punishable with death or imprisonment for life, there must exist grounds which specifically negate the existence of reasonable ground for believing that such an accused is guilty of such an offence. The Supreme Court in

⁴ [2016] 1 S.C.R. 137

⁵ (2004) 7 SCC 528



*State of U.P. v. Amarmani Tripathi*⁶, referring the aforementioned judgment emphasised that while granting bail, the Court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused and reasonable apprehension of witnesses being tempered with. Thus, granting bail discretion must be exercised in a judicious manner and not as a matter of course. It may not be necessary to do detailed examination of evidence and documentation of the merit of the case, but there is a need to indicate reasons for *prima facie* conclusion why bail was being granted particularly where the accused is charged of having committed serious offence.

9. In view of the above, this Court is of the opinion that the Applicant has failed to make out a case for grant of bail.

10. Accordingly, the present application is dismissed along with pending applications.

11. It is clarified that the observations made herein are only for the purpose of deciding the present application and shall not prejudice the case of the Applicant which shall be evaluated on its merits at the appropriate stage before the Trial Court.

SANJEEV NARULA, J

AUGUST 8, 2025

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⁶ (2005) 8 SCC 21