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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3081/2025 & CRL.M.A. 23820/2025

AMAN

.....Applicant

Through: Mr. Saurabh Tyagi, Adv.
(through VC)

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP
for the State
SI Ashish Garg, PS- Aman
Vihar

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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18.09.2025

1. The present application is filed by the applicant seeking regular bail in FIR No. 676/2023 dated 23.11.2023, registered at Police Station Aman Vihar for the offences under Sections 302/34 of the Indian Penal Code, 1860 ('IPC').
2. The brief facts are, that on 23.11.2023, the police received a PCR call regarding a stab injury, whereafter, the police reached the spot of the incident and later headed to Sanjay Gandhi Memorial Hospital where the victim was taken.
3. As per the MLC, the victim had suffered multiple stab injuries and passed away during treatment.
4. Thereafter, the statement of the eye-witness Arun was recorded, wherein, he alleged that the applicant along with the other co-accused persons started beating the victim.
5. It is alleged that the applicant, thereafter, caught hold of the victim from the back, CCL U had caught hold of the hands of the victim and thereafter CCL R and Sumit Sagar @ Anda

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inflicted stab injuries to the victim which led to his death.

6. Pursuant to the statement of the eye-witness the present FIR was registered.

7. It is alleged that during the course of investigation co-accused Sumit Sagar @ Anda was arrested and from him one knife was recovered. Thereafter, CCL R was apprehended from the same spot and one knife was also recovered from him. It is alleged that blood-stained sweater worn by CCL R at the time of the alleged incident was also seized.

8. It is alleged that during the course of investigation the applicant kept evading his arrest and in pursuance of the same Non-Bailable Warrants were issued against him. It is alleged that, thereafter, on 09.04.2024, the applicant surrender himself before the learned Trial Court, whereafter, he was arrested.

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

10. He submits that nothing has been recovered from the applicant at the time of his arrest.

11. He submits that the eye-witness Arun has not supported the case of the prosecution and has deposed that the applicant helped him in taking the victim to the hospital.

12. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the present applicant and consequently prays that the present application be dismissed.

13. I have heard the learned counsel for the parties and perused the record.

14. 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.

15. The grant of bail should not be arbitrary or whimsical. Being conscious of the fact that individual liberty holds immense significance, it is incumbent upon the Courts to examine and evaluate, albeit briefly, factors such as the *prima facie* case, the nature and severity of the crime and the accused's likelihood to tamper with evidence, among other considerations as noted above.

16. 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 committing the murder of the victim. The applicant is alleged to have inflicted beatings on the victim. Further, the applicant is alleged to have caught hold of the deceased from the back when the other co-accused allegedly stabbed the victim with a knife.

17. It was argued by the learned counsel for the applicant that one of the eye-witness has not supported the case of the prosecution, however, at this stage it appears that the applicant is involved and after the victim had been stabbed the applicant got scared. Only because the applicant tried to save the victim by taking him to the hospital does not absolve the applicant of the offence which led to the death of the victim.



18. This Court has perused the case diary, statements of 2 more eye-witnesses was recorded at the time of investigation, wherein, it can be seen that the applicant has been categorically named by the eye-witnesses and a specific role has been attributed to the present applicant.

19. Further during the course of investigation CCTV footage of the place of occurrence of the alleged incident was also obtained, wherein, the applicant along with the other co-accused can be seen assaulting the victim.

20. 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.

21. Though the veracity of such evidence will be tested during the course of trial and would be considered at the time of final arguments, however, it is undisputed that the serious allegations have been levelled against the applicant and the alleged act of the applicant along with the other co-accused led to the death of the victim.

22. Further it is pointed out by the learned Additional Public Prosecutor for the State that the eye-witnesses in the present case are yet to be examined. The apprehension of witnesses being threatened on the applicant being released, cannot be ruled out.

23. In the present case, it cannot be ignored that the applicant has been charged for an offence under Section 302 of the IPC. The applicant, if convicted, would be sentenced to imprisonment for life.

24. 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.

25. Accordingly, taking into account the submissions made by the learned counsel for the parties, and material available on record, 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.

26. Considering the facts and circumstances of this case, this Court is not inclined to grant bail to the applicant at this juncture.

27. It is made clear that the observations made in the present case are only for the purpose of considering the 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.

28. In view of the above, the present bail application is dismissed.

29. Pending Application(s), if any, also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 18, 2025

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