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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3236/2025 & CRL.M.A. 25093/2025**
ANSHU KUMARPetitioner

Through: Mr. Ashok Kumar, Advocate.

versus

STATE OF NCT DELHIRespondent
Through: Mr. Mukesh Kumar, APP with Mr.
Vineet Awana, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
25.08.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in connection with FIR No. 31/2020 dated 28th January, 2020, registered under Sections 302 and 34 of the Indian Penal Code, 1860³ at P.S. K.N. Katju Marg. Consequent to the registering of the FIR, a chargesheet has been filed *qua* the Applicant under Sections 364, 392, 302 and 34 of IPC.

Factual Matrix

2. Briefly stated, the case of the prosecution is as follows:

2.1. On 26th January 2020, at about 02:21 AM, a missing report regarding one Rohan Noonwal was lodged by his brother at P.S. K.N. Katju Marg.

¹ “BNSS”

² “CrPC”

³ “IPC”



During enquiry, it was revealed that Rohan was running a car/bike accessories shop at Sector-17, Rohini, Delhi. He had left his shop on his motorcycle at about 07:30 PM on 25th January, 2020, but did not reach home. On the morning of 26th January, 2020, his motorcycle was found parked on the route from his shop to his residence.

2.2. Meanwhile, on 25th January, 2020, at about 11:40 PM, a dead body matching Rohan's description was found in the canal leading to Haiderpur Water Treatment Plant, within the jurisdiction of P.S. Samaypur Badli. The body was subsequently identified as that of the missing person, Rohan Noonwal.

2.3. On 26th January, 2020, post-mortem examination of the deceased was conducted. A shoulder bag and earphones were recovered with the body; however, his two mobile phones and purse containing cash and other documents were missing. On 28th January, 2020, the deceased's father filed a written complaint, suspecting foul play in his son's death. He stated that his relative, Satyawan, had seen two accused persons, namely Anshu (the Applicant) and Ankit, riding along with Rohan on a motorcycle on the night of 25th January 2020, with Rohan seated in the middle. On the basis of this complaint, FIR No. 31/2020 was registered at P.S. K.N. Katju Marg and investigation was initiated.

2.4. During investigation, CCTV footage from the route between Rohan's shop, the location where his motorcycle was found, and further up to the roads leading to the Western Yamuna Canal, was scrutinised. In the footage, Rohan was seen travelling on a motorcycle seated between two other persons, thereby rendering his death suspicious. Based on the CCTV footage and statements of the complainant and his relative Satyawan, two suspects,



namely Anshu Kumar and Ankit, were taken into custody.

2.5. During police custody, both accused are stated to have confessed to their involvement in the murder of Rohan. Pursuant to the disclosure of co-accused Ankit, the motorcycle used in the commission of the crime and the purse of the deceased containing his Aadhaar Card, CGHS Card, Driving Licence, and other documents were recovered. The present applicant, Anshu Kumar, is alleged to have assisted Ankit in executing the plan and remained with him throughout the commission of the alleged offence. After committing the offence, both accused allegedly shared the cash recovered from the deceased's purse.

Contentions of the Applicant

3. Counsel for the Applicant makes the following submissions to support the prayer for bail:

3.1. The Applicant has been falsely implicated in the present case. The allegations are unfounded and not supported by cogent material. It is further urged that the deceased was residing at a different location from the Applicant, and there was no occasion or reason for the Applicant to be involved in the alleged incident.

3.2. The Applicant has been in judicial custody since 28th January, 2020, thereby having undergone more than five years of incarceration without conclusion of trial. All material prosecution witnesses have already been examined, and therefore the possibility of the Applicant influencing witnesses or tampering with evidence stands negated.

3.3. The Applicant has no prior criminal antecedents. His continued detention, despite the above circumstances, amounts to nothing more than pre-conviction detention, which is contrary to the settled principles of



criminal jurisprudence.

3.4. Emphasis also needs to be placed on the well-established principle of presumption of innocence unless proven guilty. It is contended that the Applicant's prolonged incarceration, without final adjudication of guilt, results in a grave violation of his fundamental rights under Article 21 of the Constitution of India.

Contentions of the State

4. On the other hand, Mr. Mukesh Kumar, APP for the State, opposes the present bail application and submits that there is substantial evidence collected during investigation which clearly points towards the Applicant's involvement in the crime. The State's contentions are as follows:

4.1. A person, namely Satyawan (relative of the deceased), is a credible last seen witness. He categorically stated that on 25th January 2020, at about 08:00 PM, he had seen the Applicant and co-accused Ankit taking the deceased on a motorcycle, with Rohan seated in the middle. The timing of the footage closely coincides with the time of death as recorded in the MLC. The said witness has already deposed before the Court and has correctly identified the Applicant, thereby directly connecting the Applicant to the alleged incident.

4.2. Further, when the police, acting on a tip-off, reached the residence of the Applicant, he was found absconding, which adds to the suspicion of his involvement in the offence. Additionally, articles belonging to the deceased were recovered from the possession of co-accused Ankit. The money found in the deceased's purse was shared between both accused persons.

4.3. It is emphasised that there is a clear motive attributed to the Applicant and his co-accused, as brought out by the statements of the deceased's



family members. The cumulative effect of the testimony of the last seen witness, the recoveries, and the motive, constitutes a strong chain of circumstantial evidence sufficient to implicate the Applicant.

4.4. The offences alleged against the Applicant are of a grave and heinous nature. If released on bail, there is every likelihood that the Applicant may commit a similar offence or may intimidate or threaten the complainant and witnesses, as he is well aware of their whereabouts. Although the Applicant has no prior criminal antecedents, the gravity of the alleged offence and the strength of evidence against him warrant against enlarging the Applicant on bail.

Analysis

5. The Court has carefully considered the submissions advanced by the counsel for the parties and perused the material on record. It is a well settled principle of law that while considering a bail application, the Court must keep in mind several factors relating to the case, such as – whether there is any *prima facie* reasonable ground to believe that the accused has committed the offence, the nature and gravity of the accusation, severity of potential punishment, risk of the accused absconding or fleeing if released on bail, the likelihood of the offence being repeated, etc.⁴ At the same time, the Court is not expected to delve into a detailed appreciation of the evidence, lest the bail proceedings acquire the character of a mini-trial.⁵

6. At present, a substantial number of prosecution witnesses have been examined, and only formal witnesses remain to be examined. While the Applicant places reliance on this very aspect to secure bail, however, in the

⁴ *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* (2010) 14 SCC 496

⁵ See also: *Brijmani Devi v. Pappu Kumar & Anr.*, (2022) 4 SCC 497 and *Mahipal v. Rajesh Kumar @*



opinion of the Court, this cannot aid the Applicant, in light of the gravity of the offence and the evidence on record. On perusal of the record, there is strong *prima facie* enough material connecting the Applicant with the alleged incident. In his testimony, PW-2 Satyawar (the last seen witness) had stated that, on 25th January, 2020, at about 8:00 PM, the Applicant and the co-accused were seen taking the deceased on a motorcycle with the deceased seated in the middle. This testimony not only finds corroboration in the CCTV footage collected from the relevant route, but also closely coincides with the time of death as reflected in the MLC of the deceased. The said witness has already been examined before the Court and has correctly identified the Applicant. His testimony, therefore, *prima facie* provides a direct link connecting the Applicant to the incident.

7. The Court further takes note of the fact that, acting on the disclosure of co-accused Ankit, the purse of the deceased, containing his identification documents, was recovered, and it is alleged that the money therein was shared between both accused persons. While the recovery has been made from the co-accused, the disclosure points towards joint involvement of both accused in the commission of the offence.

8. At this juncture, it is apposite to refer to the judgement of the Supreme Court in the recent case of ***Bhagwan Singh v. Dilip Kumar alias Deepu alias Deepak and Anr.***⁶, wherein the Court emphasised that bail is a discretionary relief, to be granted or denied based on the specific facts and circumstances of each case. The Court further delineated the factors to be taken into consideration while exercising such discretion. The relevant

Polia, (2020) 2 SCC 118.

⁶ 2023 INSC 761.



extracts of the aforementioned judgment are as follows:

“11. The grant of bail is a discretionary relief which necessarily means that such discretion would have to be exercised in a judicious manner and not as a matter of course. The grant of bail is dependent upon contextual facts of the matter being dealt with by the Court and may vary from case to case. There cannot be any exhaustive parameters set out for considering the application for grant of bail. However, it can be noted that:

11.1. While granting bail the court has to keep in mind factors such as the nature of accusations, severity of the punishment, if the accusations entail a conviction and the nature of evidence in support of the accusations.

11.2. Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the Court in the matter of grant of bail.

11.3. While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought to be always a prima facie satisfaction of the Court in support of the charge.

11.4. Frivolity of prosecution should always be considered and it is only the clement of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to have an order of bail.”

[Emphasis Supplied]

9. In light of the aforesaid legal principles, and upon consideration of the facts and circumstances of the case, this Court is of the opinion that the allegations against the Applicant are grave and serious in nature. The last seen evidence of PW-2 Satyawar, duly corroborated by CCTV footage and medical records, coupled with the recovery of the deceased's purse pursuant to the disclosure of the co-accused, *prima facie* connects the Applicant with the incident. Consequently, this Court finds no ground to exercise its discretion in favour of the Applicant for grant of bail.

10. Accordingly, the present application is dismissed along with any



pending application(s).

11. 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.

SANJEEV NARULA, J

AUGUST 25, 2025

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