



2025:DHC:10489



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

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*Judgment reserved on: 21.11.2025**Judgment pronounced on: 26.11.2025*+ **BAIL APPLN. 3390/2025****PRAVEEN SINGH**

.....Petitioner

Through: **Mr. Amitej Kumar Nagar, Adv.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Ajay Vikram Singh, APP for
State with Insp. Naren Kumar PCR
Insp. Arvind Kumar PS Mandir Marg.****CORAM:****HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J****CRL.M.A. 26492/2025 (exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 3390/2025

3. The present petition has been filed seeking regular bail in connection with FIR No. 54/2020 under Section 302 IPC registered at PS Mandir Marg.
4. A copy of the status report has been handed over by the learned APP across the bar, the same is taken on record.
5. The case of the prosecution as borne out from the status report is that on 10.06.2020 at about 08.18 PM, DD No. 36A was received at PS Mandir Marg regarding a quarrel at Bhagat Singh Complex. The call was assigned



to SI Sudhir, who reached the spot and found a pool of fresh blood near the exit gate of Metropolitan Hotel. It was learnt that two boys had scuffled with each other and had already been shifted to the hospital by PCR van.

6. The investigation revealed that petitioner/accused, as well as, the deceased had a quarrel, during which they sustained injuries. The victim namely, Ankit was found grievously injured, and the case was initially registered under Section 307 IPC, later converted to Section 302 IPC after the death of Ankit during treatment.

7. Further investigation revealed that the quarrel began inside Bhagat Singh Complex. After being injured, victim Ankit tried to escape and entered the Metropolitan Hotel through its open exit gate. The accused Praveen Singh chased him, and when the victim fell due to his injuries, the accused brutally assaulted him multiple times with a broken glass bottle until he became unconscious.

8. Mr. Amitej Kumar Nagar, learned counsel appearing on behalf petitioner submits that the following incriminating circumstances have been pressed by the prosecution against the present petitioner- (i) the account of two eye witnesses; (ii) the dying declaration given by the deceased to his mother, as well as, cousin; (iii) the weapon of offence and; (iv) the CCTV footage.

9. Mr. Nagar submits that insofar as two eye witnesses namely, Rishi Pal/PW-5 and Shivam Verma/PW-9 are concerned, they have not fully supported the case of the prosecution. There are material contradictions in their statements.

10. Referring to the testimony of Sh. Shivam Verma/PW-9, he contends that as per the said witness, he had not witnessed the petitioner inflicting any



injury on the person of accused with the broken bottle. The said witness only stated that the petitioner/accused had slapped deceased Ankit once/twice. Further, as per the said eye witness, both the petitioner and the accused had sustained injuries.

11. He further contends that the learned APP conducted the cross-examination of PW-9 and the said witness has rather discredited the prosecution version of dying declaration having been made by deceased Ankit to her mother.

12. Insofar as another eye witness namely, Rishi Pal / PW-5 is concerned, he submits that even the said witness has also not stated that he had seen the present petitioner/accused inflicting injuries on the person of deceased Ankit.

13. He further contends that the murder weapon had not been shown to the eye witnesses for identification, during their testimonies .

14. As regards CCTV footage, the submission of Mr. Nagar is that the said CCTV footage was not shown to the witnesses for identification of the accused and the deceased. The CCTV footage is otherwise blurred.

15. Mr. Nagar further contends that it has also been proved on record that the accused had also suffered stab injuries with sharp weapon. This strengthens the contention that it was the deceased who was an aggressor and the accused himself is a victim of the situation.

16. He further contends that the petitioner is in custody for the past 05 years 04 months. He is a graduate, who was aged about 29 years at the time of incident.

17. He submits that there are no previous involvements of the petitioner nor the petitioner is a flight risk.



18. *Per contra*, Mr. Ajay Vikram Singh, learned APP for the State submits that the two eye witnesses have in clear terms deposed that they had seen the accused and the deceased together and the deceased was also in injured condition. He contends that insofar as CCTV footage is concerned, the same is not of much relevance when the two eye witnesses have identified the accused person.

19. He submits that from the evidence that has come on record it may though appear that it is a case where the incident had happened on the spur of the moment, but it is not a case where there is no evidence to establish that the accused is not involved in the incident.

20. I have heard the learned counsel for the petitioner as well as learned APP for the State and have perused the record.

21. A bird's eye view of the testimonies of the two eye-witnesses namely, Rishi Pal/PW5 and Shivam Verma/PW9 shows that none of these witnesses have stated that the petitioner gave stab injuries to the deceased Ankit with broken glass bottle.

22. Shivam Verma/PW-9 had stated that he had noticed that deceased as well as petitioner had sustained injuries and blood was oozing from their injuries. He has further stated that deceased had caused injury to the accused with a broken glass bottle and that the deceased was drunk. He has further stated that petitioner had slapped deceased once/twice. It has also come in his statement that petitioner was not the aggressor nor he initiated the fight.

23. Rishi Pal/PW-5, who was working as security guard at Metropolitan Hotel, has stated that he has not seen the petitioner/accused hit the deceased, though he has stated that he had seen bottle in the hand of petitioner



/accused. His statement also indicates that the deceased as well as petitioner had sustained injuries, and both of them were taken by the police in the PCR. MLCs of both petitioner/accused as well as deceased also indicate that both of them suffered injuries with some sharp-edged object. MLCs of both of petitioner/accused and the deceased also shows that they were intoxicated as the observations made by the Doctor in both MLCs with regard the smell of breath mentions “*Alcohol like smell*”.

24. The testimony of PW-9 also reveals that the said witness has denied the suggestion that at the instance of deceased Ankit he had talked to his mother and informed about the incident or that mother and sister of Ankit reached the spot.

25. Though the probative value of the statements as well as the credibility of the witnesses and the medical evidence will be considered by the learned Trial Court during Trial, but from the testimony of PW-9, it *prima facie* appears that the petitioner was not the aggressor nor he initiated the fight, but once the fight started it was a case of free fight between deceased and the petitioner/ accused in which both the deceased as well as accused/petitioner had suffered injuries.

26. At this stage it will not be appropriate to give definite opinion as to what offence is made out considering the evidence on record.

27. Undoubtedly, the punishment for the offence under section 302 IPC is life imprisonment. The maximum punishment for the offence under section 304 Part I is life imprisonment or imprisonment for a term which may extend to 10 years, whereas maximum punishment for the offence under section 304 Part II is 10 years, but there is no minimum punishment prescribed for the said offences. It would indeed be a travesty of justice to



keep a person in jail for an indefinite period for an offence which is ultimately found not to have been committed by him or for which the Trial Court may propose to impose punishment of imprisonment which is lesser than the period for which he has already been incarcerated.

28. The petitioner does not have a criminal record. It is not the case of the prosecution that the petitioner is a flight risk.

29. The public witnesses have already been examined, thus, there is no possibility of petitioner trying to influence the witnesses, if enlarged on bail. The presence of petitioner during the remaining trial or his availability to receive punishment in case he is found guilty can be ensured by imposing appropriate conditions.

30. The circumstances discussed above clearly tilts the balance in favour of the petitioner and furnishes the reason for grant bail to the petitioner, all the more when petitioner is stated to be in custody since 11.06.2020 i.e. for approximately 05 years 04 months 06 days as per nominal roll dated 16.10.2025.

31. Considering the aforesaid facts in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted to regular bail on his furnishing Personal Bond in the sum of Rs. 20,000/- with one Surety Bond of the like amount subject to the satisfaction of the Trial Court/CJM/Duty Judicial Magistrate, further subject to the following conditions:-

- i. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- ii. Petitioner shall provide his permanent address, as well as, his mobile number to the IO concerned. The mobile number shall be



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- kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- iii. Petitioner shall not communicate with or come in contact with any of the witnesses.
32. The petition stands disposed of.
33. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.
34. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
35. Order *dasti* under signatures of the Court Master.
36. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

NOVEMBER 26, 2025
N.S. ASWAL/JG