



2025:DHC:11847



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Date of Decision: December 23, 2025***BAILAPPLN. 3410/2025, CRL.M.A. 26621/2025 & CRL.M.A. 26622/2025**

ARJUN SHARMA

.....Applicant

Through: Mr. Rahul Kumar,
Mr. Saurabh Singh & Mr.
Ashok Thakur, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State
Inspector Jitender Singh &
SI Manish Kumar, PS-
GTB Enclave**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present petition has been filed seeking grant of regular bail in FIR No. 464/2024 registered at Police Station GTB enclave, for the offence under sections 103(1)/109(1)/238(a) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').
2. Succinctly stated, it is the case of the prosecution that on 30.09.2024, a PCR call vide DD No. 16A, regarding "*a boy aged 25-26 years lying in front of Jhilmil Metro Station with stab injuries has been admitted to GTB Hospital in unconscious condition*" was received. Thereafter, another PCR Call was received vide DD No. 17-A regarding "*some assailants attacking someone with knives at the red light in front of Jhilmil metro station and the injured has been moved to GTB Hospital by*



2025:DHC:11847



another PCR van and seeing the PCR van the assailants left their two motorcycles on the spot and fled away". Upon reaching GTB Hospital, one of the injured persons, namely Rinku stated that he and his friends Anurag and Akash were attacked by unknown assailants with knives, due to which they received serious injuries. Anurag was declared "brought dead" vide MLC No. BD 790/17/24.

3. Upon reaching the scene of crime, blood stains were found on the road, a red coloured slipper, broken pieces of motorcycle clutch, indicator and two black Hero Splendor Motorcycles, bearing registration No. DL-5SCU-2748 (with blood stains on the rear end) and DL-5SDC-4736, were recovered and the Forensic Team was called.

4. The statement of eyewitness/injured Rinku was recorded by wherein he stated that on 29.09.2024, he and his friends i.e. deceased/Anurag and Akash, were traveling on his motorcycle, when at the red light near Jhilmil metro station, the bike of accused collided with their motorcycle, which led to a fight and scuffle between the parties. When the victims caught one of the accused persons and slapped him 2-3 times, his five companions came and attacked the victims with knives with the intention to kill them. Consequently, Rinku received injuries on his arm while Anurag succumbed to the injuries sustained. Thus, the subject FIR was registered.

5. During investigation, the motor cycle bearing DL-5SDC-4736 was found to be of one Arvind i.e. brother of accused Rohit, who stated that the motor cycle was taken by Rohit on the night

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18:43:28



2025:DHC:11847



of 29/30.09.2024. The blood-stained motor cycle DL-5SCU-2748 was found to be registered in the name of Vinay Sharma i.e. the brother of the accused Arjun Sharma/Petitioner, who confirmed that the motorcycle was being used by the Petitioner on the night of the incident.

6. The accused Rohit and the Petitioner were apprehended on 01.10.2024, and upon interrogation they disclosed that they had committed the offence along with their associates namely CCL “A”, Abhisek Kumar @Doremon, CCL “M” and Gopal. They further stated that CCL “A” was caught by the present complainant and his friends which led to an altercation, and they in order to rescue him resorted to attack the deceased and the injured with knives. The knives were in possession of accused Rohit and the Petitioner.

7. The Test Identification Parade proceedings of the accused Rohit, Petitioner/Arjun was conducted and both have been duly identified by the injured Rinku and Akash. Even accused Gopal, CCL “A”, CCL “M” and Abhishek @ Doremon, who were subsequently apprehended, were duly identified by Rinku and Akash.

8. The chargesheet has been filed against the accused Rohit and Petitioner on 28.12.2024.

9. The Bail Application of the Petitioner was dismissed by the learned Additional Sessions Judge *vide* Order dated 30.07.2025.

10. The learned Counsel for the Petitioner submits that he had no role in the present case and was only present at the time of the

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18:43:28



2025:DHC:11847



incident along with his companions trying to deescalate the situation. There is no CCTV footage to ascertain his role in the present case.

11. He also submits the Petitioner has clear antecedents, has spent 14 months in Judicial Custody and the trial is going to take considerable time.

12. *Per contra*, the learned Additional Public Prosecutor has vehemently opposed the grant of any relief to the Petitioner herein considering the gravity of the offence and that the PW-2/complainant has supported the case of the prosecution and has been only partly-examined. From his statement, it emerges that Gopal had stabbed Rinku while the Petitioner and other co-accused stabbed deceased Anurag multiple times (total 12), on his vital body parts with the intention to kill him.

13. He further submits that the complaint and the eyewitness along with other 7 public witnesses are yet to be examined and thus, the possibility of influencing the witnesses cannot be ruled out.

14. He further submits that as per the investigation so far and that even the FSL reveals that the blood of the deceased was found present of the motorcycle of the Petitioner herein.

15. Submissions heard and the material on record perused.

16. 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.

17. 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.

18. 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.

19. In the present case, the allegations against the Petitioner are grave and serious in nature. It is the case of the prosecution that, the Petitioner along with the other co-accused has stabbed the victim Anurag to death and also inflicted injuries upon Rinku and Akash.

20. The only point of contention of the learned Counsel for the Petitioner is that no specific role has been ascribed to him, no weapon has been recovered and there is no CCTV footage to support the case of the prosecution.

21. It well established that while considering a Bail application, the Court has to only ascertain a *prima facie* involvement of the accused in the alleged offence and ought not



2025:DHC:11847



to undertake a detailed scrutiny of the veracity of the allegations and the defence raised, which would be a subject matter of trial.

22. Status Report clearly indicates that PW-2/Rinku has supported the case of the prosecution and has also disclosed that the accused Gopal had inflicted injuries upon him, while the Petitioner and his associates stabbed deceased Anurag, multiple times, with the intention to kill him.

23. Both the Complainant and the other eye-witness Akash have duly identified all the accused persons during the TIP proceedings.

24. Further the Post Mortem Report of the deceased/Anurag also opines that the cause of death was haemorrhagic shock as a result of antemortem injuries. It stands further recorded that the Injuries 1-4 were sufficient to cause death in the ordinary course of nature and are homicidal in manner. Injuries no. 1-12 are caused by sharp edged weapon while injury no. 13 is produced by blunt force and trauma.

25. Even the FSL reflects that the DNA collected from the crime scene, from the motorcycle of the Petitioner, nails and clothes of the deceased and similar to the DNA profile generated from the blood of the deceased/Anurag.

26. The above factors, *prima facie* show the involvement of the Petitioner in the commission of the crime.

27. As regards the alleged no recovery of the weapon and the absence of any CCTV footage, it has been contended that the Petitioner and co-accused have destroyed the evidence and thus, Section 238 of the BNS (causing disappearance of evidence of



2025:DHC:11847



offence), has also been included in the Chargesheet against the accused persons. Thus, the consequence of the same cannot be delved into at this stage and the above aspect will have to be looked into by the learned Trial court, after the parties have led their evidence. The same cannot be made a ground to enlarge the Petitioner on bail at this stage.

28. The learned counsel for the Petitioner further contends that he has been languishing in custody for the last more than 14 months, and that the trial is not likely to conclude in a timely manner.

29. It cannot be ignored that the Petitioner has been charged for an offence under Section 103 of the BNS. The Petitioner, if convicted, would be sentenced to imprisonment for life. For this reason, long period of incarceration alone cannot be a ground to grant bail to the Petitioner at this stage.

30. On being pointedly asked, it has been informed that the material witnesses, including the complainant, the eyewitness and 7 public witnesses are yet to be examined. Thus, the possibility of influencing the material witnesses and tampering the evidence cannot be ruled out.

31. 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.



2025:DHC:11847



32. 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 Petitioner which at this stage cannot be said to be without any supporting material.

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

34. 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.

35. In view of the above, the present bail application is dismissed, along with pending application(s), if any.

AMIT MAHAJAN, J

DECEMBER 23, 2025
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