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

+ **BAIL APPLN. 3437/2025**

PAWAN KUMAR

.....Petitioner

Through: Mr. R.S. Malik, Mr. Sahil Malik, Mr. Abhishek, Mr. Ayush Khatri, Mr. Aditya Jain and Mr. Prince Kumar, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

10.12.2025

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 542/2021, registered at Police Station Prashant Vihar, Delhi, for the commission of offences punishable under Sections 302/201/120B/34 of Indian Penal Code, 1860 (hereafter 'IPC').

2. Briefly stated, the facts of the present case are that on 18.08.2021, an information regarding an unidentified male dead body lying in the vacant DDA ground, Sector-12, Rohini, near Japani Park, was received at Police Station Prashant Vihar which was recorded *vide* DD No. 26A. The police had reached the spot and had found a male corpse, aged about 30 years, bearing multiple deep injuries, lying in the bushes adjoining the boundary wall. The District Crime Team and FSL Team had inspected the spot,



photographs were taken from all angles, and all exhibits recovered from the scene were seized and deposited in the Malkhana.

3. During investigation, the deceased was identified as Salman Ali @ Vicky, aged 30 years. The body was preserved at BSA Hospital, where post-mortem was conducted on 19.08.2021 *vide* PM No. 542/21. The post-mortem exhibits were also seized, and the body was handed over to the family.

4. The present applicant/accused and co-accused Ravi Chauhan were arrested on 19.08.2021, while co-accused Ravi Diwakar was arrested on 20.08.2021. During interrogation, the applicant/accused stated that he and the deceased were working in the same establishment Radhika International Pvt. Ltd., Sector-10, Rohini and due to personal enmity he had conspired with co-accused to kill the deceased. As per their conspiracy, on 17.08.2021, the applicant/accused persons had met the deceased at Metro Walk, Sector-10, and took him along on the pretext of partying in his E-rickshaw, they had switched off their mobile phones, and roamed around Rohini after purchasing liquor. At about 8:00 PM, they took the deceased to the vacant DDA park where the applicant/accused and Ravi Diwakar, while leaving Ravi Chauhan at the gate to keep watch, murdered the deceased using a brick, electric wire and knives, thereafter attempting to wipe their fingerprints. Upon completion of investigation, the chargesheet was filed before the concerned Trial Court.

5. The learned counsel appearing on behalf of the applicant argues that applicant/accused has been falsely implicated in the present case. It is further contended that no independent public witness was joined at the time of the alleged recovery, and the purported recovery has been witnessed only



by police officials, which significantly affects the credibility of the prosecution version. It is further argued that there is not even an iota of evidence to establish that the applicant was last seen in the company of the deceased. The learned counsel submits that the entire prosecution case rests solely on circumstantial evidence, and there is no cogent, credible, or legally admissible evidence connecting the applicant to the commission of the alleged offence. The learned counsel further points out that the statements of the prosecution witnesses, namely Rabia, wife of the deceased, and Mustakim Ali, brother of the deceased, suffer from material contradictions and inconsistencies, thereby rendering their testimonies unreliable. It is also submitted that no CCTV footage has been placed on record to establish the presence of the applicant at or near the scene of the incident. It is, therefore, contended that the allegations levelled against the applicant are concocted and fabricated, and the prosecution case appears to have been built merely on surmises and conjectures, with an intent to falsely implicate the applicant. Therefore, the applicant/accused may be admitted to bail.

6. The learned APP for the State, on the other hand, admits that the status report mentions the role of the applicant/accused incorrectly to the extent that recovery was solely affected from the present applicant/accused. He however states that there was joint recovery of blood stained clothes from the present accused and the co-accused. He does not dispute that there was no public witness to the recovery. He further argues that the allegations against the present applicant/accused are grave and serious in nature. The formal witnesses in the case are yet to be examined. There is a likelihood that the applicant/accused may abscond and tamper with material evidence as well as influence witnesses. Thus, his bail application be rejected.



7. This Court has **heard** arguments addressed on behalf of the applicant and the State, and has perused the case file.

8. From the material placed before this Court, this Court observes that there is no eye witness to the alleged incident and the prosecution case rests entirely on circumstantial evidence, which is yet to be conclusively established during the course of trial. In the absence of any direct ocular evidence linking the applicant to the commission of the offence, the evidentiary worth of the prosecution case shall ultimately be tested at trial. The Court further notes that all material public witnesses have already been examined by the prosecution. Consequently, the likelihood of the applicant influencing the prosecution witnesses or tampering with evidence stands substantially diminished.

9. This Court also notes that the jail conduct of the applicant/ accused has been reported to be satisfactory. The accused also does not have any criminal antecedents.

10. It is also pertinent to note that the applicant/ accused has remained in judicial custody for a period of approximately four years and two months. The trial is still likely to take considerable time to conclude. Prolonged incarceration at the pre-trial stage would defeat the very object of bail and would amount to punitive detention, which is impermissible in law.

11. Considering the aforesaid facts and circumstances of the case and the fact that all public witnesses have been examined, the present case is based on circumstantial evidence, there is no eye witness to the incident, and the applicant is in judicial custody since long, this Court is inclined to grant regular bail to the applicant, on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount, subject to the satisfaction of



the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
 - ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
 - iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
 - iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
12. Accordingly, the present bail application stands disposed of.
13. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 10, 2025/ns
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