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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3436/2025**
SUHAIL@CHAPPAL

.....Petitioner
Through: Mr W.A Ansari Mr Adeel Ahmed Mr
Hemant Kumar Mr Rohit Raj Saini,
Advocates.

versus
STATE OF NCT OF DELHI

.....Respondent
Through: Mr. Shoaib Haider, APP for the State.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **05.12.2025**

1. First Bail Application under Section 439 Cr.P.C has been filed on behalf of the Petitioner for grant of Regular Bail in case FIR No.179/2024 under Section 302/120-B/201/34 IPC and Section 25/27 Arms Act registered at Police Station Jafrabad, Delhi.
2. It is submitted that the first bail Application filed before the learned ASJ has been dismissed vide Order dated 02.08.2025.
3. The brief facts of the Prosecution case are that on 11.05.2024, an information was received at 07:30 P.M about an incident that occurred at Gali No.6, Chauhan Banger, Delhi, wherein a person was found in an unconscious state and was suspected to be dead. The call was logged in the CCTNS system and the matter was relayed to SI Jitender, who deputed HC Sachin to proceed to the scene of crime. The I.O on reaching the spot, informed the District Crime Team and FSL Team. The Police Team found



the body lying in a pool of blood in supine position, who appeared to be dead. Blood was oozing out of his body.

4. The Applicant was in JC at Mandoli Jail since 2021 in another case on the allegations of allegedly having committed a revenge murder of one Kasim @ Gappu who had killed the elder brother of the Applicant in the year 2000 i.e. 25 years back when the Applicant was barely seven years old. In the said case as well the Applicant has been falsely implicated and has been branded as a professional criminal.

5. It is asserted that he has been falsely implicated in FIR No.139/23 P.S. Crime Branch and the Police Officials were admonished by learned CMM on 25.08.2023 and Notice was issued to ACP, Crime Branch to explain regarding illegal custody of the Applicant, who was released in the case. Rather, an Application for discharge was moved by the I.O on which Notice has been issued to DCP, Crime Branch for giving an explanation. Despite admonition by learned CMM, Police kept on implicating the Applicant in false and frivolous cases. The explanation was called from ACP, Gokal Puri and the Applicant was granted default Bail.

6. FIR No.350/2024 P.S. Gokal Puri under MCOCA was registered against him solely for the purpose of taking his Police custody.

7. The Applicant has also been implicated in **FIR No.272/2023 P.S. Jafrabad** by forcibly extracting the confessional statement. There is no independent cogent or corroborative evidence to show his involvement in the said crime. He was admitted to Bail on the ground that trial was likely to take long.

8. The Applicant ought to have been released in the present case as has been done in the other cases. It is explained that the I.O did not collect the



evidence against the Petitioner except the Confessional Statement. There is no connection between the deceased and the Applicant. The entire Prosecution case rests solely on the Confessional Statement of the Accused persons and no Charge can be framed on the Confessional Statements.

9. The Police has not placed on record any material to substantiate the allegations that the other accused persons were in touch with the Applicant through WhatsApp call. No Mobile phone was allegedly recovered from the possession of the Applicant and a flimsy ground has been given by the I.O that he had broken the mobile phone and thrown it into the toilet. No effort has been made by the I.O to write to the Jail Authorities to conduct a search of the Applicant or of the toilet in which he had allegedly thrown the mobile phone.

10. Aside from claiming that the Applicant has been actively involved in other similar crimes and may influence the Prosecution witnesses who would not be available for the purpose of trial before the learned Trial Court, which are without any basis or cogent reasons, no valid ground has been given to deny the bail to the applicant.

11. Another ground for opposing the Bail is that if he is released on Bail, he may hamper the investigations which is at the initial stage. This averment is factually incorrect. The Chargesheet has already been filed and all the accused persons have been arrested. The case is at the initial stage of framing of Charge. The FSL Result and Sanction under Section 39 Arms Act is awaited and the Charges are yet to be framed. The Applicant thus, submits that he may be granted Bail.

12. It is asserted that the learned Trial Court has erred in not granting the Bail by considering the submissions of the Prosecution. It has not been



considered that out of the four cases planted upon the Applicant, he was granted default Bail within 20 days of his arrest, in case FIR No.350/2024 under Section 3 MCOC Act, P.S. Gokal Puri. In case FIR No.139/2023 P.S Crime Branch, an explanation has been called from the I.O for the illegal detention of the Applicant and he was subsequently discharged in the said FIR. In the third FIR No.272/2023, the Applicant has been granted Bail on the ground that the Charges are yet to be framed.

13. The Applicant had relied upon various judgments of High Court and Supreme Court, both none have been referred to by the learned Trial Court while rejecting the Bail Application.

14. **The Status Report** has been filed on behalf of the State, wherein the role of the Applicant Suhal @ Chappal has been described as that co-accused Umar had provided three pistols and 30-40 live cartridges and two mobile phone to three assailants namely Samad, Shaif Khan and Mohd. Haroon @ Yusuf for committing the murder of the deceased Nasim. He had played active role in the commission of crime and is a member of Hashim Baba Gang. The co-accused Umar has also disclosed the role of the Applicant. The Applicant is directly involved in the commission of the offence. The allegations against the Applicant are serious and grave in nature. The Applicant is involved in four other criminal cases. If granted Bail, he is likely to commit similar offences and would certainly influence the Prosecution witnesses, and it would be difficult to secure his presence during the trial.

15. The Bail Application is, therefore, opposed. The Status Report be taken on record.

16. **Submissions heard.**



17. The Applicant is claiming that there is no evidence against him aside from a Disclosure Statement and also that he had been falsely implicated in the other FIRs.

18. The Accused is in Judicial Custody since 27.05.2024. The Chargesheet has been filed for the offence under Section 302 IPC. The Charges are yet to be framed. The applicant asserts that there is no evidence against him, but the Charges are not yet framed. The applicant was arrested on 27.05.2024 in the case and it cannot be said that there is a delay in conducting the trial. There is no ground to grant bail at this stage of trial. The application is hereby dismissed.

19. The Bail Application stands disposed of.

NEENA BANSAL KRISHNA, J

DECEMBER 5, 2025/va