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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3459/2025**
PAWAN ROHILLAPetitioner

Through: Mr. Vyom Shandilya, Advocate
(through VC)

versus

STATE (GOVT OF NCT OF DELHI)Respondent

Through: Mr. Manoj Pant, APP for State along
with Insp. Kumar Santosh, SI
Banwari Kal Drithi.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER
04.11.2025

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1. By way of the instant application, the applicant seeks grant of regular bail in case arising out of FIR bearing No. 13/2023 dated 02.05.2023, registered at Police Station Delhi Cantt. Railway Station, Delhi for the commission of offence punishable under Sections 302/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
2. Briefly stated, facts of the present case are that on 01.05.2023, vide DD No. 32A, information had been received at Police Station Delhi Cantt. Railway Station regarding an incident at Bijwasan Station, pursuant to which the police officials had reached the spot and found one Md. Faizan lying injured. He was rushed to DDU Hospital, where he was declared "brought dead". Thereafter, on 02.05.2023, at 03:17 AM, the complainant



had got his statement recorded, disclosing that on 01.05.2023, he, along with his brother Om and the deceased Md. Faizan, had decided to play cricket at the playground near Bijwasan Station. While they were passing through platform no. 1, five boys allegedly had started abusing and fighting with them. It is stated that the complainant and his brother had run in one direction, while the deceased had run towards the other direction. Subsequently, after some time, when the complainant and Om had returned to search the deceased, they had found that a boy, later identified as the co-accused Manish, had been apprehended by the public. Thereafter, the said co-accused had revealed the names of his associates. It is further stated that all the said five boys had engaged in altercation with the complainant, Om, and had beaten the deceased. Based on these allegations, the present FIR was registered, and five accused persons including the present applicant/accused were arrested.

3. The learned counsel for the applicant argues that this application is the second bail application filed by the applicant before this Court on the ground that there has been a change of circumstances. It is argued that while his first bail application was rejected by this Court on the ground that material witnesses were yet to be examined, the learned counsel argues that now the material witnesses have been examined. Therefore, it is prayed that the present applicant be granted bail.

4. The learned APP for the State, on the other hand, opposes the present application for grant of regular bail and states that there is no material change in the circumstances of the present case. It is argued that the material witnesses, who were examined after the bail application of the present applicant was rejected on 16.04.2025, have also supported the prosecution



case when examined before the learned Trial Court. It is thus, prayed that present application be dismissed.

5. This Court has **heard** arguments addressed on behalf of both learned counsel for the applicant and learned APP for the State and has perused the material available on record.

6. The previous bail application of the applicant was dismissed by this Court *vide* order dated 16.04.2025, observing as under:

“6. After hearing arguments and going through the case file, this Court is of the opinion that the complaint/FIR as well as the statements of the witnesses specifically mentions as to how the victim/deceased herein had been beaten by the accused persons and he had succumbed to the injuries on the same day. The post-mortem report as well as the witnesses examined before the learned Trial Court have supported the prosecution's case. The question as to whether there had been any intention to commit murder or not, is a matter of trial.

7. The Hon'ble Supreme Court in *X v. State of Rajasthan: SLP(Crl.) 13378/2024* has observed that ordinarily, in offence like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining the witnesses, the Courts should be loath in entertaining bail applications of the accused.

8. Considering the fact and circumstances of the present case, and the fact that the material witnesses have supported the case of the prosecution, and the opinion mentioned in the post-mortem report is that the death was caused by blunt forceful impact upon head, possibly during assault by slapping, punching, this Court is of the opinion that no ground for bail is made out at this stage.”

7. Considering the overall facts and circumstance of the case, this Court is of the opinion that there is no material change of circumstances in the present case, and rather the other material witnesses who have been examined, have also supported the case of the prosecution in addition to PW-1 and PW-2 who had identified the present applicant/accused during the course of the trial.



8. Therefore, in view of the above, this Court is not inclined to grant regular bail to the applicant.
9. Accordingly, the bail application stands dismissed.
10. It is, however, clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.
11. The order be uploaded on the website forthwith.