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

+ BAIL APPLN. 3544/2025, CRL.M.A. 27826/2025

DEEN DAYAL @KHUSHBOO @DD

.....Petitioner

Through: Ms. Chinki Guliya, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.09.2025

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from FIR No. 290/2022 dated 6th February, 2022, registered under Sections 302/34 of the Indian Penal Code, 1860³ at P.S. Mahendra Park, Delhi.

Factual Matrix

2. The case of the prosecution, in brief, is as follows:

2.1. On 5th February, 2022, at about 11:12 PM, information regarding a stabbing incident was received at P.S. Mahendra Park, Delhi, and entrusted to ASI Jai Prakash. The victim, Dharmender (aged 19 years), was initially treated at BJRM Hospital vide MLC No. 192531/22 and thereafter shifted to Safdarjung Hospital, where he later succumbed to his injuries.

¹ "BNSS"

² "CrPC"



2.2. However, before his demise, the victim's statement was recorded. He stated that on the day of the incident, around 9:00 PM, while returning to his slum through RU Nagar Block Gate, Jahangirpuri, he collided with two individuals. When they pushed him, he retaliated by slapping one of them, upon which he was stabbed with a knife. On the basis of his statement, an FIR was registered under Sections 307/34 IPC; however, upon his demise, the offence was altered to Sections 302/34 IPC.

2.3. During investigation, the place of incident was inspected, photographs were taken, and the victim's blood-stained shirt was seized. Two separate CCTV sources were also recovered: one from a camera installed at the rear side of a factory located in RU Nagar Industrial Area, which captured the occurrence, and another from a camera near Lift No. 3, service road, Jahangirpuri Metro Station, which provided a clearer picture. The latter footage shows the accused following the victim, with the Applicant overtaking him, pointing a knife at his neck, and upon resistance, one of the accused stabbing him in the abdomen. The victim then ran towards the Metro Station, while both accused fled towards the slums.

2.4. On 6th February, 2022, acting on a secret informer's tip-off, the Applicant and the CCL were apprehended. The knife allegedly used in the offence was recovered from the Applicant and seized. On 19th February, 2022, the doctor opined that the injuries sustained by the victim were consistent with the recovered weapon. The MLC recorded an incised wound measuring 3 cm × 1 cm on the abdomen. Further, the Applicant's CDR and CAF records placed him at the place of the incident.

2.5. The Applicant thereafter moved a bail application before the Trial

³ "IPC"



Court, which was dismissed by order dated 3rd June, 2025.

Contentions of the Applicant

3. Counsel for the Applicant submits that the Applicant has been falsely implicated and his name does not appear in the FIR. The case against him rests solely on the disclosure statement, which by itself has no evidentiary value and the alleged weapon has been planted upon him. Further, all public witnesses have already been examined and discharged, and none of them has identified the Applicant during their depositions before the Court. Nothing has been recovered from the Applicant or at his instance.

4. It is further submitted that the Applicant has been in custody since 6th June, 2022. With the chargesheet already filed and charges framed, there is no further requirement of his continued incarceration, particularly as the trial is likely to take time. Given that the Applicant has no criminal antecedents, his continued custody would serve no useful purpose and would amount to punitive detention.

Contentions of the State

5. Mr. Amit Ahlawat, APP for the State, strongly opposes the present bail application and submits that the offence is of a grave and serious nature. He contends that sufficient material has been collected during investigation to implicate the Applicant in the present case. This includes CCTV footage clearly showing the Applicant involved in the stabbing of the deceased. Although one of the witnesses, namely Ramlal @ Ravi, did not identify the Applicant, another CCTV recording from a different camera focused on the place of incident depicts the Applicant, and in that footage, he has been identified by the witness.

6. It is further submitted that the weapon of offence was recovered at the



instance of the Applicant, and the doctor has opined that the injuries sustained by the deceased were consistent with this weapon. The CDR records also place the Applicant at the place of incident. In addition, forensic analysis has confirmed that the blood found on the recovered knife as well as on the Applicant's clothes matched the blood of the deceased.

Analysis

7. Having considered the submissions and the material placed on record, this Court finds no merit in the contentions raised on behalf of the Applicant. It is a well settled principle of law that while considering an application for bail, the Court must keep in mind several factors relating to the case, such as – whether there is any *prima facie* reasonable ground to believe that the accused has committed the offence, the nature and gravity of the accusation, severity of potential punishment, risk of the accused absconding or fleeing if released on bail, the likelihood of the offence being repeated, etc⁴. It is equally well settled that, at the stage of bail, the Court is not to conduct a mini-trial⁵ or undertake a detailed appreciation of the evidence collected during investigation or the depositions of witnesses. The Court is only to form a *prima facie* view on the basis of the material available on record.

8. The principal argument advanced on behalf of the Applicant is that he has not been identified by the witnesses and that nothing has been recovered from him. However, this contention does not hold weight. While it is true that one of the witnesses, namely Ramlal @ Ravi, did not identify the Applicant, the CCTV footage recovered from another camera at the place of

⁴ *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* (2010) 14 SCC 496

⁵



incident clearly depicts the Applicant, and in that footage, he has been identified. Further, the recovery of the weapon at the instance of the Applicant, the medical opinion confirming that the injuries on the deceased were consistent with this weapon, the CDR records placing him at the scene of occurrence, and the forensic analysis matching the blood on the recovered knife and his clothes with that of the deceased, together constitute *prima facie* sufficient material in order to implicate the Applicant.

9. At this stage, it may be apposite to refer to the recent decision of ***Bhagwan Singh v. Dilip Kumar alias Deepu alias Deepak and Anr.***⁶, wherein the Supreme Court emphasized that bail is a discretionary relief, to be granted or denied based on the specific facts and circumstances of each case. The relevant extract is as follows:

“11. The grant of bail is a discretionary relief which necessarily means that such discretion would have to be exercised in a judicious manner and not as a matter of course. The grant of bail is dependent upon contextual facts of the matter being dealt with by the Court and may vary from case to case. There cannot be any exhaustive parameters set out for considering the application for grant of bail. However, it can be noted that:

11.1. While granting bail the court has to keep in mind factors such as the nature of accusations, severity of the punishment, if the accusations entail a conviction and the nature of evidence in support of the accusations.

11.2. Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the Court in the matter of grant of bail.

11.3. While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought to be always a prima facie satisfaction of the Court in support of the charge.

11.4. Frivolity of prosecution should always be considered and it is only the clement of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to

⁶ 2023 INSC 761.



the genuineness of the prosecution, in the normal course of events, the accused is entitled to have an order of bail.”

[Emphasis Supplied]

10. In light of the aforesaid legal principles, and upon consideration of the facts and circumstances of the case, this Court, at this juncture, finds no ground to enlarge the Applicant on bail.

11. Accordingly, the present bail application is dismissed along with the pending application.

12. It is clarified that any observations made in the present order are for the purpose of deciding the present 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.

SANJEEV NARULA, J

SEPTEMBER 17, 2025

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