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

+ **BAIL APPLN. 3629/2025**

NAVEEN @ ALAAUDIN

.....Petitioner

Through: Mr. Kapil Hooda, Advocate.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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05.12.2025

1. Second Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 482 of the Code of Criminal Procedure, 1973), has been filed on behalf of the Petitioner, namely, Naveen @ Alaaudin for grant of Bail in FIR No. 390/2024 under Section 392/397/411/34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and Section 25/274 of Arms Act, registered at Police Station Karol Bagh.

2. It is submitted that the Applicant is in judicial custody since 03.05.2024. Earlier Bail Application filed before the learned ASJ, was dismissed on 23.12.2024. It is submitted that the Prosecution evidence has not yet commenced. He has undergone considerable incarceration and the trial is likely to take time. There is no direct evidence to implicate the Applicant. The alleged recovery of Rs.25,000/- from the residence of the Applicant, is not supported by any independent witness. There is no recovery



of weapon or any other article directly connecting the Applicant to the alleged offence. The Disclosure Statement is in admissible in evidence. The Test Identification Parade was conducted, but the same cannot be treated as conclusive or substantive evidence.

3. Learned counsel for the Petitioner has placed reliance on Kanan vs. State of Kerala, (1979), 3 SCC 319; Rameshwar Singh vs. State of J& K, (1971) 2 SCC 715 and Dana Yadav vs State of Bihar, (2002) 7 SCC 295.

4. The Applicant is a young individual aged 24 years, having no previous criminal antecedents and is a permanent resident of Haryana. There is no possibility of his fleeing or tampering with the evidence.

5. Reliance has also been placed on Sanjay Chandra vs. CBI, (2012) 1 SCC 40; Dataram Singh vs. State of U.P., (2018) 3 SCC 22; P. Chidambaram vs. Directorate of Enforcement, (2020) 13 SCC 791; Sharjeel Imam vs. State (NCT of Delhi), 2022 SCC OnLine Del 1416; Rahul vs. Stae (NCT of Delhi), Bail Application No. 1182/2022 and Hakeem Khan & Ors. vs. State of Madhya Pradesh, (2017) 5 SCC 719.

6. It is further submitted that the Complainant, Mr. Jatin, who is eye witness, was examined by the learned Trial Court but he has turned hostile by deposing that he could not identify the Applicant at the time of alleged incident as it was dark. There was poor visibility and the Complainant was not able to recognize the Applicant. The statement of the eye witness, which was the sole direct link between the alleged offence and the Applicant, has failed. The case is based on circumstantial evidence with weak identification and no imminent threat of tampering or fleeing.

7. It is further submitted that the Bail Application No. 1606/2025 filed before this Court, was withdrawn on 04.07.2025. Hence, a prayer is,



therefore, made for grant of Bail.

8. **Learned counsel for the Applicant** submits that the PW-1, Jatin, who was the sole eye witness, has failed to identify the Applicant in the cross-examination and has clearly stated that he was unable to identify the assailant, on account of darkness. No fruitful purpose would be served in keeping the Applicant in Jail.

9. Status Report has been filed on behalf of the State, wherein the entire incident has been detailed. It is submitted that a Charge Sheet had been filed in the Court. The Charges under Section 392/34/411 IPC, were framed against all the accused persons, while an additional Charge of Section 397 IPC has been framed and Section 25/27 of the Arms Act, has been framed against the Applicant. The Case is at the stage of Prosecution evidence.

10. The Bail Application of co-accused, Sukhvinder @ Tiger was dismissed by this Court on 15.07.2025. The Application is, therefore, opposed.

11. **Learned Addl. PP on behalf of the State**, has opposed the Bail on the ground that earlier Bail Application was dismissed as withdrawn on 04.07.2025 and since then, there is no change of circumstances. PW-1, Jatin, whose examination-in-chief was recorded on 04.07.2024 clearly identified the Applicant as one of the Assailant. However, in his cross-examination conducted on 07.07.2025, he failed to identify the Applicant. It is a matter of trial to appreciate the evidentiary value of his retraction in regard to the identity, at the relevant stage. There is another eye witness, who is yet to be examined. The Bail is, therefore, opposed.

12. **Submissions heard and the record perused.**

13. The Applicant is in judicial custody since 03.05.2024. The Charges



already stand framed. It is pertinent to note that while the PW-1 supported the Case of the prosecution on 04.07.2025 on which date, the Applicant withdrew his Bail Application from this Court, two days later, in his cross-examination, he turned hostile on the aspect of identity. Another eye witness is yet to be examined.

14. The Prosecution evidence has already commenced. At this stage, it cannot be said that there is any delay in the trial.

Considering the gravity of the offence and the circumstances as stated herein, no case is made out for grant of Bail.

15. The Application is dismissed and disposed of accordingly.

NEENA BANSAL KRISHNA, J

DECEMBER 5, 2025/RS