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

+ **BAIL APPLN. 3689/2025**

SADAKAT @ SADDO

.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP for State
with Inspr. Rajesh Verma, PS-Narela and Inspr.
Pawan Kumar, PS-Chandni Mahal.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

12.11.2025

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1. The present application has been filed by the petitioner under Section 483 BNSS (439 Cr.P.C.) read with Section 528 BNSS (482 Cr.P.C.) seeking regular bail in connection with FIR No. 433/2021, U/s 302 IPC, registered at PS-Narela.
2. The case of the prosecution as borne out from the status report is that on 17.09.2021 one DD No. 132-A was received from SRHC Hospital regarding an injured person named Nadeem, who was declared as 'brought dead' by the doctor.
3. During investigation, one Sahil, who was at the hospital, gave his statement that he was an eye witness to the incident. He stated that on 17.09.2021 at around 8.00 PM, he saw Sadakat/petitioner quarrelling with his brother Nadeem (deceased) near rickshaw repair show. During scuffle, Sadakat took out a knife-like object from his pocket and stabbed Nadeem 3-4 times on his neck and chest, after which he fled from the spot.
4. Mr. Suraj Prakash Sharma, learned counsel appearing on behalf of petitioner submits that the prosecution has cited three eye witnesses, namely



(i) Razia/PW-9 (Owner of grocery shop in the vicinity); (ii) Ms. Reshma/PW-3 (wife of the deceased); and (iii) Shahil/PW-11 (brother of deceased). He submits that petitioner is also real brother of the deceased.

5. He further contends none of three eye witnesses have supported the case of the prosecution. To buttress his contention, he has taken the Court through the testimonies of PW-9; PW-3 as well as PW-11.

6. It is not disputed by the learned APP that there are only three eye witness in the present case. Though probative value of the testimonies and the credibility of the witnesses will be seen by the learned Trial Court, but having examined the testimonies of the aforesaid eye-witnesses, for the limited purpose of present petition, this Court *prima facie* finds that all the three eye-witnesses have not attributed any overt act to the petitioner. The said witnesses were also cross-examined by the learned APP and nothing material could be elicited from them against the petitioner during such cross-examination.

7. Insofar as recovery of knife at the instance of petitioner is concerned, at this stage suffice it to say that recovery is not a substantive piece of evidence, and can be used only for corroboration, therefore, the probative value of this evidence shall also be examined by the learned Trial in light of other evidence on record.

8. Further, this Court notes that the petitioner is in custody since 23.09.2021, and keeping him behind bars to await the outcome of the trial, will not be justified in the light of facts and circumstances noted herein above. Besides that, there is also a presumption of innocence in favour of the petitioner at this stage.

9. The aforesaid circumstances clearly tilt the balance in favour of



petitioner for grant of bail.

10. Accordingly, petitioner is admitted to regular bail subject to him furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the learned Trial Court, further subject to the following conditions:

- (a) The petitioner shall appear before the Court as and when the matter is taken up for hearing.
- (b) The petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- (c) The petitioner shall not come in contact with the witnesses or tamper with any evidence.

11. It is clarified that the observations made hereinabove are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.

12. The petition is disposed of in the above terms.

13. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

14. Pending application stands disposed of.

15. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

NOVEMBER 12, 2025/jg