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

+ **BAIL APPLN. 3980/2024**

RANJIT

.....Petitioner

Through: Mr. Abhinav Dubey, Mr. P. Pratap,
Mr. Lalit Kumar, Advocates

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Amit Ahlawat, APP for the State
with Insp. Parmjit Singh, Insp. Naresh
Bhatia, PS Burari

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.11.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 79/2018 registered under Section 302 of the Indian Penal Code, 1860³ at P.S. Burari.

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

2.1. The FIR was registered on 16th February, 2018 following a PCR call regarding an injured person lying near Pushta, Thokar No. 1, Burari. The injured was taken to the Trauma Centre, where he was declared brought dead. The deceased was identified as Chand Mohammad, aged about 24

¹ "BNSS"

² "Cr.P.C."



years, and the post-mortem noted a deep incised wound on the neck.

2.2. During investigation, Gaurav and Dalip @ Golu disclosed that on the evening of 15th February, 2018, the deceased, the Applicant, co-accused Javed @ Gorilla, and one juvenile were drinking at the house of Himanshu @ Gabbar. They thereafter left for Pushta Road, but since Gaurav's motorcycle had no petrol, the Applicant, Gaurav and Golu first went to the Burari petrol pump to refuel. At about 8:30 PM, Gaurav and Golu dropped the Applicant near Pushta, after he received a call from the deceased asking him to come there (who had proceeded towards Pushta with Javed and the juvenile). The deceased was found murdered near the same location shortly thereafter.

2.3. The Applicant and co-accused Javed were apprehended on 17th February, 2018. The prosecution alleges that both made disclosure statements admitting their involvement. Pursuant thereto, the Applicant led to the recovery of his blood-stained clothes, while partially burnt clothes were recovered at the instance of co-accused Javed. Additionally, a blood-stained knife, alleged to be the weapon of offence, was recovered on the basis of the disclosures made by both accused.

2.4. The FSL report indicates that the DNA profile of the deceased matched with blood on the recovered knife and the clothes attributed to the Applicant. The medical opinion states that the fatal neck injury was possible with the recovered knife.

2.5. After completion of investigation, charge-sheet was filed, and thereafter, charges under Section 302/34 IPC were framed on 11th October, 2018. The matter is presently at the stage of prosecution evidence.

³ "IPC"



3. Counsel for the Applicant submits that the Applicant has been falsely implicated. He has been in custody for more than four years. The investigation stands concluded and the charge-sheet has been filed. The trial has progressed, and the material witnesses have already been examined; therefore, further incarceration of the Applicant would serve no purpose and would be punitive in nature. The Applicant was not named in the FIR, and the alleged recovery of clothes is planted. Non joining of independent public witness during seizure undermines its credibility. It is submitted that the material witnesses have not supported the prosecution case, and their depositions contain material contradictions and lack corroboration, which undermines the prosecution version. The Applicant has clean antecedents and is the sole bread-earner of his family, having a two-year-old daughter to look after, and hence deserves to be released on bail.

4. Mr. Amit Ahlawat, APP for the State, opposes the application and submits that the prosecution case is not premised only on the last seen witnesses but is supported by scientific and forensic evidence. The clothes recovered at the instance of the Applicant were found to bear blood stains, which, upon FSL examination, were matched with the DNA profile of the deceased. Further, the weapon of offence (knife) has been recovered pursuant to the disclosures made by the Applicant and co-accused Javed, as reflected in the seizure memos. It is contended that although Gaurav and Golu have not supported the prosecution during trial, another witness, Himanshu @ Gabbar, who also last saw the deceased in the company of the Applicant, has fully supported the prosecution case. Considering the nature and gravity of the offence, notwithstanding the long period of incarceration, the Applicant does not deserve the concession of bail.



5. The Court has considered the aforementioned facts and contentions. While it is true that the chargesheet has been filed and the investigation stands concluded, the mere completion of investigation does not, *ipso facto*, entitle the Applicant to bail, particularly in light of the gravity and heinous nature of the alleged offence. The Supreme Court, in ***Bhagwan Singh v. Dilip Kumar alias Deepu alias Deepak and Anr.***,⁴ emphasised that bail is a discretionary relief, to be granted or denied based on the specific facts and circumstances of each case. The relevant extracts of the aforementioned judgment are 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 the genuineness of the prosecution, in the normal course of events, the accused is entitled to have an order of bail.”

[Emphasis Supplied]

6. At this stage, the Court cannot enter into a detailed evaluation of the

⁴ 2023 INSC 761.



evidence or conduct a “mini-trial”. Whether there are contradictions or improvements in the testimony of certain witnesses, or whether some witnesses have not supported the prosecution, are matters to be assessed by the Trial Court upon full appreciation of evidence. Any observations on the probative value of such testimony at this stage may prejudice either side.

7. That being said, the material placed on record does disclose *prima facie* links connecting the Applicant to the alleged offence. The prosecution relies not merely on last-seen witnesses but also on forensic evidence, namely, the DNA match between the blood found on the Applicant’s recovered clothes and the blood sample of the deceased. The recovery of the alleged weapon of offence (knife), effected pursuant to the disclosures of both the Applicant and the co-accused, forms an additional link in the chain of circumstances. These aspects cannot be brushed aside at this stage.

8. Whether the nature or extent of bloodstains on the clothes is inconsistent with the injuries sustained by the deceased, as argued by the Applicant, is a matter requiring evidentiary assessment and expert evaluation at trial. At the stage of considering bail, the Court is required to see only whether a *prima facie* case emerges, not whether the prosecution case is proved beyond reasonable doubt.

9. The recovery of blood-stained clothes, the alleged weapon of offence, and the statements placing the deceased in the company of the Applicant shortly before the incident form a chain of circumstances *prima facie* linking the Applicant to the offence at this stage and therefore, weigh against the grant of bail.

10. As regards the submission on prolonged incarceration, it is noted that while the right to personal liberty under Article 21 is a relevant



consideration, it is not absolute. The grant of bail cannot be determined solely on the basis of the duration of custody but must also take into account the nature of the offence, the role attributed to the accused, and the overall circumstances. The Supreme Court has consistently held that a balance must be maintained between individual liberty and societal interest, and that prolonged detention is only one factor amongst several to be considered.⁵

11. In view of the overall facts and circumstances, this Court does not find sufficient grounds to release the Applicant on bail at this stage. The Trial Court is, however, requested to expedite the trial in accordance with the roster.

12. With the above direction, the present application is disposed of along with pending application(s), if any.

13. 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

NOVEMBER 7, 2025/ab

⁵ *Rajesh Ranjan Yadav @ Pappu Yadav v. CBI* (2007) 1 SCC 70.