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

+ **BAIL APPLN. 3810/2025 & CRL.M.A. 29741/2025**

MANISH

.....Petitioner

Through: Mr. Furkan Ali Mirza and Mr. Shoaib Khan, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State along with Insp. Subhash Chand, PS Malviya Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.10.2025

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1. The present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in FIR No. 542/2022, dated 12th August, 2022, registered under Sections 302/34 of the Indian Penal Code, 1860,³ at P.S. Malviya Nagar, New Delhi.

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

2.1. On 11th August, 2022, at around 7:00 PM, the deceased was present near Malviya Nagar along with his friends, Vikas Panwar and Mayank Panwar, when an altercation occurred with a group of four to five known individuals over blocking of the footpath. Although the group initially dispersed, they allegedly returned shortly thereafter armed with a knife, iron

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



rod, and stones, and attacked the deceased and his companions. In the ensuing commotion, Vikas Panwar fled towards DDA Market while the deceased ran towards Gate No. 3 of Sarvpriya Vihar. When Vikas Panwar returned to look for his friend, he reportedly saw the same group of individuals assaulting the deceased near a parked car. The Applicant, Manish, was allegedly seen stabbing the deceased while the co-accused held him down. The assailants fled the scene immediately after the assault. The injured was taken to AIIMS Hospital, where he was declared dead.

2.2. On 12th August, 2022, a PCR call was received at P.S. Malviya Nagar regarding the incident. During the course of inquiry, statement of Vikas Panwar was recorded, on that basis the FIR was registered.

2.3. During investigation, CCTV footage from the vicinity was analysed, allegedly confirming the Applicant's role in stabbing the deceased. The knife used and the shirt worn by the Applicant on the day of the incident were recovered pursuant to his disclosure. The accused persons were thereafter apprehended, interrogated, and remanded to judicial custody.

2.4. Upon completion of investigation, a chargesheet was filed before the Trial Court. The case has since been committed and the trial has commenced.

3. Counsel for the Applicant submits that the Applicant, who was a student of Class IX at the time of the incident (19 years old), has been falsely implicated. It is urged that despite specific directions issued by the Supreme Court on 11th July, 2024, in *Special Leave Petition (Crl.) No. 8348/2024 titled "Suraj Kumar (In JC) vs State NCT of Delhi"*, the trial has not progressed beyond the initial stage of prosecution evidence. It is emphasised that the Applicant has remained in judicial custody for over



three years and has no previous criminal antecedents. The investigation has already concluded, the chargesheet stands filed, and the trial is underway; therefore, continued incarceration serves no further purpose. Counsel further points out that the principal eyewitness, PW-12 Vikas Panwar, has not supported the prosecution's case during his examination, before the Trial Court. In these circumstances, it is contended that the Applicant's prolonged detention violates the constitutional guarantee of personal liberty.

4. Mr. Amit Ahlawat, APP for the State, on the other hand, opposes the application and submits that the Applicant is charged with a grave and heinous offence of murder. It is urged that the material collected during investigation clearly connects the Applicant to the incident, including the CCTV footage and the recovery of the weapon of offence, a knife, pursuant to his disclosure statement. The prosecution further relies upon the Call Detail Records (CDR) and Customer Application Form (CAF) data of the accused persons, which place them at or near the scene of occurrence at the relevant time. The evidence on record, taken as a whole, discloses a *prima facie case* against the Applicant and that no grounds for bail are made out at this stage.

5. The Court has considered the submissions advanced by both sides. It is pertinent to note that the Applicant had earlier approached this Court by way of *Bail Application No. 1690/2025*, which was permitted to be withdrawn on 2nd May 2025 after submissions were heard. While disposing of that application, liberty was expressly granted to the Applicant to file a fresh application for bail before the Trial Court in the event of any material change in circumstances. Contrary to that liberty, the Applicant has chosen to directly approach this Court once again, without first moving the Trial



Court.

6. When confronted with the order dated 2nd May, 2025, counsel for the Applicant submitted that the withdrawal was made by the previous counsel without proper instructions. Such an explanation does not inspire confidence. The filing of successive bail applications on the pretext of change in counsel or plea of inadvertence amounts to an abuse of process and cannot be countenanced. The Court strongly deprecates the practice of re-agitating identical grounds under the guise of “fresh consideration” in the absence of any new or supervening circumstance. Successive bail applications are maintainable only when there is a substantial change in circumstances, either in law or in fact, having a direct bearing on the earlier rejection. Routine refiling of bail pleas without such change undermines judicial discipline and erodes the sanctity of prior orders.

7. Nonetheless, since the question of personal liberty is involved, the Court has, in the interest of fairness, examined the matter on merits as well.

8. The Applicant is charged with a grave and heinous offence punishable under Section 302 IPC. The nature and seriousness of the allegations, as reflected from the material collected during investigation, are factors which cannot be disregarded at this stage. The Supreme Court in *State of Karnataka v. Sri Darshan*,⁴ has reiterated that the mere filing of a charge sheet or the likelihood of a prolonged trial cannot, by themselves, justify the grant of bail in cases involving serious offences such as murder. The gravity of the offence and the possibility of witness intimidation are relevant considerations which weigh against the grant of bail. The relevant extracts of the aforementioned judgment are as follows:



“20.4. Filing of charge sheet or lengthy list of witnesses does not justify grant of bail.

20.4.1. It is well settled that the mere filing of a charge-sheet does not confer an indefeasible right to bail. **Likewise, the mere prospect of a prolonged trial cannot, by itself, outweigh the gravity of the offence, the incriminating material gathered during investigation, or the likelihood of tampering with witnesses.**

20.4.2. In *Kalyan Chandra Sarkar v. Rajesh Ranjan* (supra), this Court categorically held that:

“The High Court could not have allowed the bail application on the sole ground of delay in the conclusion of the trial without taking into consideration the allegation made by the prosecution in regard to the existence of prima facie case, gravity of offence, and the allegation of tampering with the witness by threat and inducement when on bail.... non-consideration of the same and grant of bail solely on the ground of long incarceration vitiated the order...”

20.4.3. In *Brijmani Devi v. Pappu Kumar* (supra), **this Court held that the possibility of the accused absconding or threatening witnesses had a direct bearing on the fairness of the trial. In serious offences, such apprehensions - when reasonably supported by record - must weigh against the grant of bail.**

...

20.4.5. In *Rahul Gupta v. State of Rajasthan*, this Court further emphasized that once the accused has been charge-sheeted after investigation, the High Court must consider the material collected during investigation to determine whether a prima facie case exists and whether bail is justified. The Court quashed the bail order, directing the accused to surrender and remanding the matter to the High Court for fresh consideration, after examining the evidence on record.

20.4.6. In the present case, the High Court failed to engage with the incriminating material collected during investigation, despite the seriousness of the offence under Section 302 IPC and the allegation of conspiracy. **The mere filing of the charge-sheet, the existence of a long list of witnesses, or the possibility of delay in trial, cannot, by themselves, constitute valid reasons to dilute the gravity of the offence or to disregard the case put forth by the prosecution. As repeatedly held by this Court, such factors are not standalone grounds for the grant of bail in heinous offences involving murder.**

The reasoning adopted by the High Court to justify the grant of bail is, therefore, contrary to settled legal principles.

22.1. The seriousness and heinous nature of the alleged offence is a significant factor for consideration, while evaluating a plea for



cancellation of bail.

22.1.1. In *Ram Govind Upadhyay v. Sudarshan Singh*³⁹, this Court held that “the nature of the offence is one of the basic considerations for the grant of bail - the more heinous the crime, the greater the chance of refusal of bail, though the exercise of judicial discretion in such matters cannot be exhaustively defined.”

[Emphasis supplied]

9. Applying these principles to the facts of the present case, this Court finds that the allegations against the Applicant are of a serious nature, supported by material such as CCTV footage, eyewitness testimony, and recovery of the weapon of offence at his instance. The mere fact that the charge sheet has been filed or that the trial may take time to conclude does not, therefore, furnish a valid ground for enlarging the Applicant on bail. Moreover, as pointed out by the prosecution, the delay in progress of the trial appears, in part, is attributable to the conduct of the accused rather than any lapse on the part of the prosecution.

10. Moreover, at this stage, there exists evidence establishing a *prima facie* link between the Applicant and the offence. The CCTV footage allegedly depicts the Applicant stabbing the deceased, which stands corroborated by the statements of the eyewitnesses recorded during investigation. The recovery of the knife and the bloodstained shirt allegedly worn by the Applicant on the day of the incident further strengthens the prosecution’s case. These factors, when viewed collectively, establish a strong nexus between the Applicant and the crime in question.

11. The contention that PW-12, the eyewitness, has resiled from his earlier statement is of no avail at this stage. The credibility of witnesses, the weight of contradictions, and the probative value of testimony are all matters to be assessed during trial. The Court, while considering bail, cannot



undertake a detailed dissection of evidence or conduct what would effectively amount to a mini-trial.⁵

12. It is also noted that several material witnesses are yet to be examined. Therefore, releasing the Applicant at this stage carries a real risk of witness intimidation or tampering with evidence. The gravity of the charge, coupled with the nature of evidence collected, outweighs any plea founded merely on the duration of custody.

13. In light of the foregoing, the Court finds no merits in the present application. The present application is dismissed along with pending application(s).

SANJEEV NARULA, J

OCTOBER 8, 2025/MK

⁵ See also: *Brijmani Devi v. Pappu Kumar & Anr.*, (2022) 4 SCC 497 and *Mahipal v. Rajesh Kumar @ Polia*, 2020 (2) SCC 118