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

+ BAIL APPLN. 3900/2025

KANWAL SINGH

.....Petitioner

Through: *Appearance not given.*

versus

GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **05.12.2025**

1. This application 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. 214/2025 registered at P.S. Shahbad Dairy for the offence under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023³. Upon conclusion of investigation, chargesheet was filed under Sections 103(1)/310(3)/317(3)/61(2)/3(5) BNS.

2. The case of the Prosecution is as follows:

2.1. On the intervening night of 25th/26th March 2025, a PCR call, reporting a person lying in a pool of blood, was received at P.S. Shahbad Dairy. The police reached Main Firni Road, near Mangal Bazar Crossing, Shahbad Daultpur, where they found the deceased, identified as Nagender Kumar, lying in a pool of blood with an injury on his leg. A motorcycle was also found at the spot. Pursuant thereto, the subject FIR was registered and investigation commenced.

2.2. CCTV footage from a camera installed near the aforesaid spot

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



revealed that, on 25th March, 2025, two motorcycles carrying three persons each arrived at the place of occurrence at 10:36:22 hrs and left at 10:53:37 hrs after conducting a reconnaissance. CCTV analysis showed three assailants waiting near the place of occurrence, and another set of three persons monitoring the movements of the deceased. The Applicant, Kanwal Singh, was seen sitting on a motorcycle with accused Sunny @ Amit @ Bakra @ Sukha, waiting for the deceased to return from Agra and proceed home after collecting his motorcycle parked near BMC Telecom Mobile Shop. When the deceased arrived on his motorcycle and took a right turn towards his house, one assailant struck him with a wooden log (*danda*), causing him to fall. Another assailant then stabbed him with a knife, and the person wielding the *danda* snatched the deceased's bag before fleeing. All accused persons were seen arriving at Hotel Paradise subsequent to the incident, as captured in the hotel's CCTV recordings.

2.3. The assailants, identified as CCL Bada, CCL Chhota, and accused Sunny @ Amit @ Bakra @ Sukha, were apprehended on 29th March 2025. During interrogation, accused Sunny disclosed that he had planned to rob the deceased upon learning that the latter had travelled to Agra to collect gold ornaments. He stated that, in execution of this plan, he, along with the two CCLs, and co-accused Atul, Mohit, and the Applicant, robbed a bag containing six gold bangles, one necklace, and a pair of ear jhumkis.

2.4. A knife used in the offence and the robbed jewellery were recovered at the instance of accused Sunny. The motorcycle used in the commission of the crime was recovered from the street outside the Applicant's residence and was found to be registered in his name.

2.5. Call Detail Records of the phone number registered in the Applicant's



name placed him at the scene of occurrence and indicated constant communication with other co-accused at the relevant time.

3. Counsel for the Applicant seeks bail on the following grounds:

3.1. The prosecution case rests entirely on circumstantial evidence, and none of the alleged circumstances establish any nexus between the Applicant and the commission of the offence. There is no direct evidence of criminal conspiracy against the Applicant. The Applicant was neither known to the deceased nor had any motive or enmity against him. The only role attributed to the Applicant is that he conducted a recce of the place at the instance of co-accused Sunny.

3.2. It is the prosecution's case that the Applicant was in Kude Wali Gali, Shahbad Daulatpur, at the time of the incident. However, the murder occurred at Firni Road near Mangal Bazar, which is approximately 2 kilometres away.

3.3. As per the prosecution's case, the alleged incident occurred on the intervening night of 25th/26th March 2025; however, the CCTV footage obtained from Hotel Paradise reflects the accused persons entering the hotel lobby at approximately 7:08 AM on 25th March, 2025 and exiting at around 5:46 PM the very same day. This discrepancy in timing casts serious doubt on the prosecution's narrative.

3.4. Co-accused CCLs have already been granted regular bail by this Court, and the Applicant claims parity.

3.5. No recovery has been effected from the Applicant. The investigation stands concluded and the chargesheet has been filed; therefore, therefore, the continued custodial detention of the Applicant is not required. The Applicant has no criminal antecedents and has deep roots in the community. He is



willing to abide by any condition that this Court may deem proper to impose.

4. Mr. Amit Ahlawat, APP for the State, opposes the bail application, contending that the Applicant was part of a pre-meditated criminal conspiracy, hatched jointly with the co-accused, to commit dacoity upon the deceased, who was believed to be carrying gold ornaments. It is contended that the entire sequence of events has been captured in CCTV footage, which clearly reveals the Applicant's active participation in the crime. The footage shows the Applicant conducting reconnaissance prior to the incident and subsequently waiting, along with co-accused Sunny @ Amit @ Bakra @ Sukha, for the deceased to arrive near the scene of crime. The coordinated movements of the Applicant and the co-accused, as well as the CDR analysis placing him in continuous touch with them, reinforce the prosecution case. Considering the seriousness of the allegations, it is urged that no ground for grant of bail is made out.

5. The Court has considered the facts of the case and the contentions advanced by the parties. While deciding a bail application, the Court must consider several factors, including whether there is a *prima facie* case or reasonable grounds to believe the accused has committed the offence, the likelihood of the accused repeating the offence, the nature and seriousness of the accusation, the severity of the potential punishment upon conviction, the risk of the accused absconding or fleeing if granted bail, and the reasonable apprehension of witnesses being intimidated by the accused.

6. The prosecution case, as unfolded through CCTV footage, CDR analysis, recoveries, and statements of co-accused, alleges a pre-planned conspiracy culminating in the dacoity and murder of the deceased. Although



the Applicant is not attributed the direct role of physically assaulting the deceased, the case fundamentally rests on the allegation of criminal conspiracy under Section 61 of the BNSS, wherein liability extends to all participants acting pursuant to a common design.

7. The Applicant has contended that the case rests purely on circumstantial evidence and that no circumstance connects him to the commission of the offence. However, at the stage of considering a bail application, the Court is not required to conduct a mini-trial or undertake a meticulous evaluation of the evidence; it must only determine whether the material collected during investigation *prima facie* indicates the Applicant's involvement. In this regard, the CCTV footage relied upon by the prosecution depicts coordinated movement of all the accused persons, including the Applicant, conducting reconnaissance prior to the incident. The Applicant is specifically shown accompanying co-accused Sunny @ Amit @ Bakra @ Sukha on a motorcycle and positioned along the route taken by the deceased shortly before the attack. The footage further shows all accused persons entering Hotel Paradise together subsequent to the commission of the offence. The Call Detail Records place the Applicant in continuous touch with co-accused during the relevant time period. Taken together, these circumstances establish a *prima facie* link pointing towards a criminal conspiracy to commit dacoity and murder.

8. While the Applicant has sought to highlight inconsistencies between the time of the alleged incident and the timestamps reflected in the CCTV footage from Hotel Paradise, this submission does not impress the Court. The hotel manager, in his statement recorded during investigation, has categorically clarified that the timestamp on the hotel's CCTV system was



lagging, and therefore the recorded timings do not accurately reflect the actual movement of the accused persons. In view of this explanation, the alleged discrepancy in timing cannot be regarded as a material contradiction capable of undermining the prosecution's case.

9. Further, the plea that there was no prior relationship or enmity between the Applicant and the deceased is also misconceived. The prosecution case is not premised on personal hostility but on conspiring to commit dacoity after learning that the deceased was carrying gold ornaments. Absence of personal motive cannot, in such circumstances, weigh in favour of the Applicant. Similarly, the lack of recovery from the Applicant also does not assist him. When the case rests on conspiracy and coordinated actions of multiple accused, recovery from each conspirator is not indispensable to establish *prima facie* involvement.

10. In view of the foregoing discussion, and having regard to the nature and gravity of the offence, comprising a brutal assault resulting in the death of the victim and the commission of dacoity, coupled with the *prima facie* material indicating the Applicant's participation in the criminal conspiracy, this Court is not inclined to allow the request for bail. The application is, therefore, dismissed.

11. 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

DECEMBER 5, 2025/MK