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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 4022/2025

RAJESH ALIAS RAJESH SINGHApplicant

Through: Mr. Gaurav Soni,
Advocate along with
father of the petitioner in
person.

versus

THE STATE NCT OF DELHI

THROUGH SHORespondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav, Advocate.
Insp. Pankaj Saroha, PS
Pandav Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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21.11.2025

1. The present application is filed seeking regular bail in FIR No. 693/2024 dated 16.12.2024, registered at Police Station Pandav Nagar for offences under Sections 109(1)/ 115(2)/ 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').
2. The FIR was registered pursuant to the statement made by injured victim Shekhar Jha, wherein, he alleged that on 15.12.2024 at around 11:00 p.m. after he had closed his chicken shop, he along with his friend Arun were going to Arun's friend Pratima's house.
3. It is alleged after reaching there Arun and Pratima got into an argument, whereafter, hearing the said argument co-accused Nisha came there and asked the reason for the argument. It is alleged that thereafter Arun asked her not to come in the middle.
4. It is alleged on hearing this co-accused Nisha started to



quarrel with Arun. It is alleged that in the meantime co-accused Faijan came and hit a stone like object on the head of Arun.

5. It is alleged that co-accused Faijan thereafter ran away from there and Arun also ran behind him, however, he was not able to catch him.

6. It is alleged that thereafter, injured Shekhar Jha and Arun left from there and after reaching at some distance they saw, co-accused Faijan having wooden stick, co-accused Nisha having a brick and the applicant having a wooden stick in their hand.

7. It is alleged that co-accused Nisha said that “*Aaj inko jaan se maar do*”, whereafter, co-accused Faijan hit his wooden stick on the head of injured Shekhar Jha, however, he protected the said attack from his hand.

8. It is alleged that thereafter the applicant along with the other accused persons attacked Arun with wooden sticks and bricks due to which Arun fell down and injured Shekhar Jha ran away from the spot. It is alleged that Arun was thereafter taken to Sardar Ballah Bhai Medical College, where, he died during the course of treatment, whereafter, Section 103(1) was added to the present FIR.

9. It is alleged that during the course of investigation the applicant and co-accused Faijan was arrested on 16.12.2024 and co-accused Nisha was arrested on 17.12.2024.

10. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case.

11. He submits that the chargesheet in the present case has been filed and custody of the applicant is no longer required.

12. *Per contra*, the learned Additional Public Prosecutor for
BAIL APPLN. 4022/2025

Page 2 of 4



the state vehemently opposes the grant of any relief to the present applicant.

13. He at the outset submits that the eye witness Shekhar Jha who got injured in the alleged incident is yet to be examined. He submits that injured Shekhar Jha has specifically named the applicant to be involved in the commission of the alleged crime.

14. I have heard the learned counsel for the parties and perused the record.

15. The Hon'ble Apex Court in catena of judgments has consistently emphasized the factors to be taken into account when considering bail application, which include: (i) the nature or gravity of the offense; (ii) the character of the evidence and circumstances unique to the accused; (iii) the likelihood of the accused evading justice; (iv) the potential impact of the release on prosecution witnesses and its societal repercussions; and (v) the probability of the accused engaging in tampering.

16. The grant of bail should not be arbitrary or whimsical. Being conscious of the fact that individual liberty holds immense significance, it is incumbent upon the Courts to examine and evaluate, albeit briefly, factors such as the *prima facie* case, the nature and severity of the crime and the accused's likelihood to tamper with evidence, among other considerations as noted above.

17. In the present case, the allegations against the applicant *prima facie* are serious in nature. It is the case of the prosecution that the applicant along with other co-accused persons are involved in the commission of the murder of the deceased Arun. The applicant is alleged to have inflicted beatings on the deceased.



18. At this stage, if the applicant is admitted on bail, the possibility of threatening the eye witness cannot be ruled out. The gravity of the offence does not entitle the applicant to be released on bail at this stage.

19. It is pertinent to mention that while deciding the question of bail, the Court must carefully balance the individual's right to liberty with the interests of justice. While the presumption of innocence and the right to liberty are fundamental principles of law, they must be considered in conjunction with the gravity of the offence and its impact on society.

20. In the present case, the applicant has been charged for the offence under Section 103(1) [*erstwhile* Section 302 of the Indian Penal Code, 1860] and if convicted would be sentenced to undergo imprisonment for life.

21. Accordingly, taking into account the submissions made by the learned counsel for the parties, and material available on record, this Court is of considered opinion that *prima facie*, there are serious allegations against the applicant which at this stage cannot be said to be without any material.

22. The bail application is accordingly dismissed. Pending Application(s), if any also stand disposed of.

23. It is made clear that the observations made in the present case are only for the purpose of considering the bail applications 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.

AMIT MAHAJAN, J

NOVEMBER 21, 2025

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