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

+ **BAIL APPLN. 4062/2025**

PREM

.....Petitioner

Through: Mr. Siddharth Rana, Mr. Rishabh Kapoor, Mr. Lokesh Yadav, Mr. Kunal Malik, Mr. Jatin Gulia and Mr. Sourav Drall, Advocates

versus

THE STATE (GOVT. OF NCT, DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for the State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

04.12.2025

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 41/2025, registered at Police Station Samaypur Badli, Delhi for the commission of offences punishable under Sections 103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').

2. Brief facts of the case, as set out in the status report, are that on 08.01.2025, an information *vide* DD No. 120A was received from Dr. BSA Hospital that an unknown male, aged about 22 years, had been brought unconscious and was declared "brought dead." The information had been marked to SI Rajesh, who had reached the hospital and collected MLC No. 389/25, wherein the doctor had recorded that the patient had been brought



unresponsive, with no history available, and was declared dead. At the hospital, SI Rajesh had met an eyewitness, Suraj Kumar, who had identified the deceased as Rahul Kumar, aged 21 years, and had stated that shortly before the incident, Rahul had informed him that he had a dispute with one Sunil of Chandan Park. Suraj had disclosed that when he, Rahul and one Vicky were passing through Gali No. 6, Sunil, Chirag, Shyamsundar and others had intercepted them, thrown a brick at the motorcycle, caused them to fall, and thereafter assaulted them. Sunil had allegedly stabbed Rahul, causing him to run and collapse nearby, after which he had been taken to Chadda Hospital and then to BSA Hospital, where he was declared dead. On Suraj's statement, the present FIR had been registered. Post-mortem examination of the deceased in this case revealed three injuries, including two stab wounds sufficient to cause death. CCTV footage was collected and statements of witnesses Suraj, Vicky @ Lefty and Adarsh Kushwaha were recorded, who identified the applicant in CCTV footage. Six accused persons had initially been apprehended, out of which three were found adults. The chargesheet was filed on 08.04.2025, placing the applicant in Column 12 as his particulars were then unverified. Upon further investigation, the applicant was arrested on 22.05.2025, and CCTV analysis showed him actively chasing the deceased with a stick. A supplementary chargesheet against the applicant was filed on 16.07.2025.

3. The learned counsel appearing for the applicant submits that the applicant had initially been placed in Column No. 12 of the chargesheet and was later shifted to Column No. 11, which, according to him, reflects that the applicant was not originally treated as an accused and has been falsely implicated. It is contended that the applicant had picked up *danda* at the



spot, only to deter the attackers and protect himself. It is further argued that the applicant has been in judicial custody for over six months and that the trial is likely to take considerable time to conclude. On these grounds, it is prayed that the applicant be released on regular bail.

4. *Per contra*, the learned APP for the State contends that the applicant is clearly visible in the CCTV footage collected during investigation and can be seen holding a *danda*. It is further argued that the applicant had played an active role in the commission of the offence, including chasing the deceased during the assault. In view of the seriousness of allegations and the material collected, it is prayed that the present bail application be dismissed.

5. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material available on record.

6. After hearing the submissions of learned counsel for the parties and perusing the material on record, this Court is of the view that the argument advanced on behalf of the applicant regarding him being initially placed in Column No. 12 of the chargesheet is without merit. The learned APP has satisfactorily explained that the applicant had initially been kept in Column No. 12 only because he was untraced at that stage and had not yet been arrested. However, once he was identified during investigation – including through CCTV footage – and was subsequently apprehended, his name was placed in Column No. 11. At this stage, while considering a bail application, this explanation appears *prima facie* plausible.

7. This Court has also perused the CCTV footage placed on record, in which the applicant is seen chasing the deceased with a *danda* in his hand. The applicant has been identified by one eyewitness Adarsh, whose statement forms part of the chargesheet, and attributes a specific role to the



applicant in the assault on the deceased. The eyewitnesses in this case are yet to be examined before the Trial Court.

8. The allegations in the present case pertain to the brutal assault and murder of a young man, who had sustained multiple stab injuries, two of which were opined to be sufficient to cause death in the ordinary course of nature. The applicant is alleged to have actively participated in the attack along with the co-accused.

9. Considering the gravity of the offence, the nature of material collected during investigation, the specific role attributed to the applicant, and the fact that key eyewitnesses are yet to be examined, this Court finds no ground to grant bail to the applicant at this stage.

10. Accordingly, the present application stands dismissed.

11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 04, 2025/zp

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