



2025:DHC:10642



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: November 28, 2025

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**BAIL APPLN. 4134/2025 & CRL.M.A. 32129/2025,
CRL.M.A. 32162/2025**

GAURAV

.....Applicant

Through: Mr. Ravi Drall, Ms. Aditi Singh, Mr. Skand Singh and Ms. Sapna Dalal, Advocates.

versus

THE STATE OF NCT DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP for the State with Ms. Divya Yadav and Mr. Vinesh Kumar, Advocates. Insp. Jaiveer Teotia, PS Tilak Marg (Main IO) and SI Ashish Garg, PS Begumpur.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present application is filed seeking regular bail in FIR No. 258/2022 dated 21.02.2022 registered at Police Station Begum Pur for offences under Section 302 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

2. Briefly stated, it is alleged that on 21.02.2022 an information was received at Police Station Begumpur vide DD

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No. 19A in relation to certain injuries sustained by one Pardeep Kumar. It is alleged that the said Pardeep Kumar, on being taken to the hospital, was declared brought dead (hereafter '**the deceased**').

3. It is alleged that the applicant and accused Seema/wife of the deceased were involved in a romantic relationship, and with a view to usurp the property of the deceased, they had hatched a conspiracy with other accused persons to commit the murder of the deceased.

4. It is alleged that the applicant contacted co-accused Parminder @ Pummy to commit the alleged offence and proposed to pay a sum of ₹4,00,000/- in order to commit the murder of the deceased. It is alleged that thereafter, co-accused Parminder @ Pummy contacted co-accused Rinku who then contacted co-accused Saurabh Chaudhary and Prashant to commit the alleged act. It is alleged that on 21.02.2022, the accused persons namely Parminder @ Pummy, Saurabh Chaudhary, Rinku, Vishan @ Vishu and Prashant departed from Oyo Hotel, Rohini at about 3:00 AM and proceeded on two motorcycles at which time the applicant and co-accused Seema were in constant touch with the co-accused persons. It is alleged that as soon as the deceased left his house, co-accused Seema conveyed the same to the applicant who in turn conveyed his departure details to the assailants through a conference call. It is alleged that the said accused persons chased the deceased and co-accused persons Rinku, Saurabh and Prashant fired at the deceased near Deep Vihar Chowk.

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5. During the course of investigation, it was revealed that the applicant used to live as a tenant on the first floor of the deceased's house and was found missing from his room since early morning of 21.02.2022 at about 5:30 AM. It is alleged that during the course of investigation, the applicant disclosed that he had purchased one pistol, two desi *kattas* and live cartridges from one Rahul Saini. The applicant further disclosed about the involvement of the other accused persons in the present case. It is alleged that the accused persons stayed at Hotel Oyo, Sector-24, Rohini on 17.02.2022 where the applicant provided them with weapons and cartridges. Co-accused Parminder @ Pummy disclosed that the applicant had transferred a sum of ₹50,000/- in his account.

6. During the course of investigation, arms and ammunitions were recovered from various persons including the weapon of offence. The exhibits were sent to FSL and the Ballistics Report confirmed that the bullets recovered from the body of the deceased were fired from the pistol recovered from co-accused Rinku Panwar and Saurabh Chaudhary.

7. The CCTV footage dated 21.02.2022 of the house of the deceased revealed that the applicant left the house simultaneously with the deceased.

8. The applicant was arrested on 22.02.2022 and has been in custody since then.

9. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that the applicant was merely residing



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as a tenant at the house of the deceased. He submits that the applicant has been implicated solely on the presumption that the applicant allegedly had an affair with co-accused Seema who is the wife of the deceased. He submits that no recovery of arms or motorcycles were made from the applicant. He submits that 14 other families were living as tenants in the same house.

10. He submits that merely because the applicant left the house around the same time as the deceased does not suffice to state that the applicant was involved in the commission of the alleged offence. He submits that the co-accused Prashant has already been enlarged on bail by this Court by order dated 16.09.2025 and prays that the applicant be also released on bail on the ground of parity.

11. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that there are several circumstantial evidences on record to highlight the involvement of the applicant. He submits that the applicant was in contact with co-accused Parminder who is a contract killer, and submits that the bank account analysis further revealed monetary transactions of ₹45,000/- between the applicant and co-accused Parminder. He submits that the co-accused Prashant was admitted on bail by this Court by order dated 16.09.2025 considering that the motive of the present case was attributed to the wife of the deceased as well as the applicant who are alleged to have been in a relationship and allegedly conspired to commit the murder of the deceased.

12. He submits that the applicant was seen leaving the house



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around the same time as the deceased. He submits that considering the gravity of the allegations, the present application be dismissed.

13. I have heard the counsel and perused the record.

14. The Hon'ble Apex Court in catena of judgments has consistently emphasised 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.

15. It has been held in a catena of judgments that while considering an application of the accused seeking bail, the Court would not be justified in going into evidence on record at such depth so as to ascertain probability of conviction of the accused as the same is a matter of trial.

16. The learned counsel for the applicant has sought bail in view of the bail granted to co-accused Prashant by this Court by order dated 16.09.2025. The role of the applicant, however, is distinguishable from the role of the co-accused Prashant who was enlarged on bail by this Court. It is pertinent to note that co-accused Prashant was granted bail by this Court by specifically noting that the motive was attributed to the wife of the deceased and the applicant who were alleged to have been in a relationship and allegedly conspired to have committed the murder of the deceased in order to usurp his property. It was also noted that the



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bullet recovered from the body of the deceased did not match with the alleged revolver recovered from him.

17. In the present case, the allegations against the applicant *prima facie* are serious in nature. In addition to the allegation that the applicant was in a romantic relationship with the wife of the deceased and had conspired to usurp the deceased's property, the applicant is alleged to have hatched a conspiracy with other accused persons to commit the murder of the deceased. It is alleged that the applicant contacted co-accused Parminder @ Pummy to commit the alleged offence and proposed to pay a sum of ₹4,00,000/- in order to commit the murder of the deceased. Further, the bank account details, CDRs and CAFs of all accused persons revealed that the accused persons were in contact with each other before and during the incident. Further, bank account analysis revealed monetary transaction of ₹45,000/- between the applicant and co-accused Parminder. Whether the applicant was the conspirator of the alleged offence or not and the probative value of the evidence presented at this stage cannot be commented upon at this stage, and would be examined during the course of trial. The same cannot be made a ground to enlarge the applicant on bail at this stage in view of the serious allegations levelled against the applicant and in view of the material presented at this stage.

18. 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



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cannot be said to be without any material.

19. Considering the facts and circumstances of this case, this Court is not inclined to grant bail to the applicant at this juncture.

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

21. In view of the above, the present bail application is dismissed. Pending applications also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 28, 2025

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