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

+ **BAIL APPLN. 4158/2025 & CRL.M.A. 32308/2025**

RISHU @ ABHIMANYU @ SANDEEPPetitioner

Through: **Mr. Vineet Jain, Advocate.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Amit Ahlawat, APP.**

SI Sunil, P.S. Tilak Nagar, Delhi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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03.11.2025

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from case FIR No. 486/2013 dated 30th September, 2013, registered at P.S. Tilak Nagar under Sections 307 and 34 of the Indian Penal Code, 1860³. Upon completion of investigation, a chargesheet was filed against the Applicant under Sections 302, 201, 120B and 34 of IPC read with Sections 25, 27, 54, 59 of the Arms Act, 1959⁴.

Factual Matrix

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

2.1. On 30th September, 2013, at about 9:50 AM, a PCR call was received

¹ "BNSS"

² "CrPC"

³ "IPC"

⁴ "Arms Act"



at P.S. Tilak Nagar, reporting that an unknown person had been shot near the Tilak Nagar drain. Acting on the information, ASI Satbir Singh along with Ct. Lokender reached the spot near Plot No. 8/34, Tilak Nagar, near Ganda Nala, where blood stains, two empty bullet cartridges, and two bullet leads were found. It was learnt that the injured had already been removed to DDU Hospital. The injured was identified as one Jitender Lamba, a resident of Rajouri Garden, who was found admitted *vide* MLC No. 23831/13 with firearm injuries and was declared unconscious. No eyewitness was available either at the scene or hospital. Initially, FIR No. 486/2013 was registered under Sections 307/34 IPC. On the same day, the injured was referred to RML Hospital for further treatment. Later, on 17th October, 2013, the injured succumbed to his injuries, upon which the investigation was altered to Section 302/34 IPC. The initial investigation revealed that two motorcycle-borne persons had fired upon the victim and fled the scene.

2.2. During the course of investigation, the mobile phone of Rajesh Singh Lamba, the elder brother of the deceased, was examined. Analysis of the number XXXXXX0078 showed suspicious connections with mobile number XXXXXX5573, which was later used in a handset associated with SIM number XXXXXX8146. The Customer Acquisition Form⁵ of this SIM was obtained and traced to one Pawan Kumar of Narela, who disclosed that the SIM was obtained using a fake ID from Garg Mobile Store, Nangloi. The vendor revealed that two SIMs, (XXXXXX8135 and XXXXXX8146), had been purchased using the same forged documents.

2.3. Investigation of the Call Detail Records⁶ of these numbers revealed

⁵ “CAF”

⁶ “CDRs”



their frequent use in Jharkhand, where another mobile number XXXXXX1040 surfaced, belonging to one Mukesh Kumar Soni, a resident of Hazaribagh, Jharkhand. Mukesh Kumar Soni was apprehended on 07th November, 2013 from Jharkhand, and during interrogation, he disclosed his involvement in the offence along with others, namely Ravinder Rathi, Rajesh Lamba, Abhishek Kumar Singh, Rishu @ Abhimanyu (the present Applicant), and Raju Banarsi.

2.4. Co-accused Mukesh Kumar Soni is stated to have revealed that while lodged in Ranchi Jail earlier, he came into contact with co-accused Ravinder Rathi, from whom he purchased a Wagon-R car. He further disclosed that in September 2013, he received a call from Ravinder Rathi regarding a plan to execute a “contract killing” of the deceased for a sum of INR 10,00,000/- allegedly offered by Rajesh Lamba. To execute the conspiracy, Ravinder Rathi engaged his jail acquaintances, namely Rishu @ Abhimanyu (the Applicant), Abhishek, and Raju Banarsi. As per the plan, Rishu @ Abhimanyu and Ravinder Rathi would execute the shooting, while Mukesh, Abhishek, and Raju would remain near the spot in the Wagon-R to provide cover and facilitate escape after the incident.

2.5. It is alleged that on 30th September, 2013, at about 9:00 AM, when the deceased Jitender Lamba arrived with his brother Rajesh Lamba at their office near Ganda Nala, Tilak Nagar, accused Ravinder Rathi (driver) and the Applicant (pillion rider) reached on a motorcycle and fired multiple bullets at the deceased, inflicting fatal injuries. The other associates, namely Mukesh Soni, Abhishek Kumar Singh, and Raju Banarsi, allegedly remained in a Wagon-R nearby to ensure a safe escape route. Thereafter, the accused regrouped at Ravinder Rathi’s rented house at Nangloi, from where they



dispersed in different directions. Mukesh Soni purportedly travelled to Gumla, Jharkhand, while others proceeded towards Haryana in the said Wagon-R.

2.6. Co-accused Ravinder Rathi and Rajesh Singh Lamba were arrested on 10th November, 2013 and 11th November, 2013, respectively. Upon sustained interrogation of the arrested persons, the names of the Applicant, Abhishek Kumar Singh, and Raju Banarsi also surfaced. Abhishek was subsequently arrested on 19th November, 2013, from Varanasi, U.P. The CDR analysis of the mobile phones used by the Applicant, Ravinder Rathi, Mukesh Soni, and Raju Banarsi allegedly corroborated their movement from Varanasi to Delhi on 22nd September, 2013, and their presence near the scene of crime on the morning of 30th September, 2013.

2.7. During further investigation, at the instance of accused Abhishek Kumar Singh, a 9mm pistol with two magazines and four live cartridges was recovered from the house of the Applicant at Sultanpuri, Delhi. The bullets recovered from the spot and from the body of the deceased during treatment and postmortem were sent to the FSL, where all the exhibits matched with the recovered weapon.

Contentions of the Applicant

3. Mr. Vineet Jain, counsel for the Applicant, submits as follows:

3.1. The Applicant has been falsely implicated in the present case and has a fit case to be enlarged on regular bail. As per the admitted case of the prosecution itself, the alleged mastermind behind the incident are co-accused Ravinder Rathi and Rajesh Lamba (brother of the deceased), who are alleged to have conspired to execute the offence and engaged others for that purpose. The Applicant, on the other hand, is alleged to have played



only a secondary role based solely on the purported disclosures of co-accused.

3.2. As per the prosecution's own version, Rajesh Lamba had allegedly hired co-accused Ravinder Rathi to eliminate his own brother, the deceased Jitender Lamba, by paying a contract amount of INR 10,00,000/-. The Applicant had no prior enmity, motive, or connection with the deceased, and is said to have been roped in only as a part of the alleged conspiracy theory of the prosecution.

3.3. There is no eyewitness to the incident, and the entire case of the prosecution rests on circumstantial evidence. There is no direct evidence linking the Applicant with the actual commission of the offence. The only material against him is the disclosure statement of co-accused persons, which is inadmissible in evidence.

3.4. The other co-accused, who are alleged to have played active roles in the occurrence, have already been granted bail. Co-accused Mukesh Kumar Soni was granted regular bail by the Supreme Court *vide* order dated 14th December, 2023, and co-accused Abhishek Kumar Singh was granted bail by this Court *vide* order dated 28th October, 2024.

3.5. The alleged weapon of offence was recovered at the instance of co-accused Abhishek Kumar Singh, who is already on bail. The alleged motive for the crime was attributed to Rajesh Lamba, who too has been enlarged on bail. On the principle of parity, therefore, the Applicant, from whose possession no recovery has been made, stands on an equal if not stronger footing for the grant of bail.

3.6. Except for the allegation of having fired at the deceased, an accusation resting entirely on the disclosure statement of co-accused, there is



no independent evidence connecting the Applicant with the act of shooting. Such a statement, being inadmissible, cannot form the basis of continued incarceration.

3.7. As regards the State's opposition to the bail plea on the ground that the Applicant was declared a proclaimed offender, it is submitted that such conduct cannot be a standalone ground to deny bail, particularly when co-accused Mukesh Kumar Soni, who had also absconded for nearly four years, has been granted regular bail. The Applicant's conduct of absconding, therefore, cannot be treated as a disqualifying factor for the grant of bail.

Contentions of the State

4. On the other hand, Mr. Amit Ahlawat, APP for the State, opposes the grant of bail to the Applicant and submits as follows:

4.1. The Applicant is charged with a grave and heinous offence involving a premeditated act of murder executed in a brutal manner. If released on bail, there exists a strong likelihood of the Applicant absconding again or attempting to influence witnesses and tamper with the evidence, thereby prejudicing the fair conduct of the trial.

4.2. The principle of parity relied upon by the Applicant is wholly misplaced. As per the prosecution case, the specific and principal role of firing the shots that caused fatal injuries to the deceased is directly attributed to the present Applicant.

4.3. The case against the Applicant is not based solely on disclosure statements, but is substantiated by tangible and corroborative evidence collected during investigation. This includes the recovery of a 9mm pistol with two magazines and live cartridges from the Applicant's residence at Sultanpuri, Delhi. The forensic analysis has conclusively linked the bullets



recovered from the scene of crime and from the body of the deceased during treatment and postmortem with the pistol recovered from the Applicant's premises. Mr. Ahlawat submits that this evidence is a crucial link that directly connects the Applicant with the commission of the offence.

4.4. CDRs of the Applicant and other co-accused corroborate their movement from Varanasi to Delhi prior to the incident and establish the Applicant's presence at or near the scene of occurrence at the relevant time.

4.5. The Applicant remained absconding from the year 2013 until his arrest in 2021, a period of nearly eight years. His prolonged evasion of law not only demonstrates a conscious attempt to avoid the due process of justice but also delayed the progress of trial.

Analysis

5. It is trite that while deciding a bail application, the Court is not expected to conduct a mini trial⁷ or undertake a detailed examination of the evidence collected during the course of investigation or adduced during trial, as such an exercise may cause prejudice to either side. Nonetheless, since counsel for the Applicant has laid considerable emphasis on the principle of parity, the Court deems it appropriate, for the limited purpose of adjudicating the present application, to form a *prima facie* view on the basis of the material placed on record, keeping in mind the gravity of the offence alleged.

6. At this juncture, it is apposite to refer to the recent judgment of the Supreme Court in ***Bhagwan Singh v. Dilip Kumar alias Deepu alias***

⁷ See ***Brijmani Devi v. Pappu Kumar & Anr.***, (2022) 4 SCC 497 and ***Mahipal v. Rajesh Kumar @ Polia***, (2020) 2 SCC 118.



Deepak and Anr.⁸, wherein the Court underscored that the grant of bail is a discretionary relief to be exercised judiciously, depending upon the specific facts and circumstances of each case. The Court, while delineating the factors relevant for consideration, observed as follows:

“11. The grant of bail is a discretionary relief which necessarily means that such discretion would have to be exercised in a judicious manner and not as a matter of course. The grant of bail is dependent upon contextual facts of the matter being dealt with by the Court and may vary from case to case. There cannot be any exhaustive parameters set out for considering the application for grant of bail. However, it can be noted that:

11.1. While granting bail the court has to keep in mind factors such as the nature of accusations, severity of the punishment, if the accusations entail a conviction and the nature of evidence in support of the accusations.

11.2. Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the Court in the matter of grant of bail.

11.3. While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought to be always a prima facie satisfaction of the Court in support of the charge.

11.4. Frivolity of prosecution should always be considered and it is only the clement of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to have an order of bail.”

[Emphasis Supplied]

7. Thus, the Court must evaluate the nature and gravity of the accusations, the supporting evidence, and the likelihood of the accused tampering with evidence or absconding, among other factors.

8. In the instant case, although some of the co-accused have been granted the benefit of bail, that by itself cannot *ipso facto* entitle the

⁸ 2023 INSC 761.



Applicant to claim parity. The principle of parity cannot be invoked in abstraction, and the role attributed to each accused must be examined independently. The role of the present Applicant, as revealed from the record, *prima facie* stands on a different footing from that of the co-accused who have been enlarged on bail.

9. The specific role attributed to the Applicant is that of firing the gunshots which caused the fatal injuries to the deceased. A 9mm pistol with magazines and live cartridges were recovered from the Applicant's residence at the instance of a co-accused. The FSL report establishes that the bullets recovered from the spot and from the body of the deceased matched with the said weapon. Additionally, the CDR analysis places the Applicant at or near the scene of occurrence at the relevant time. These pieces of evidence, taken together, *prima facie* indicate the Applicant's direct involvement in the commission of the offence and, therefore, distinguish his case from those of the co-accused who have been granted bail.

10. The Applicant has also emphasized upon the long period of incarceration of almost five years. However, it must be noted that the Applicant remained absconding from 2013 until his arrest in 2021, and was declared a proclaimed offender during that period. Consequently, his actual period of incarceration is considerably shorter than that of the co-accused who have undergone substantial custody prior to being granted bail. It must also be noted that the delay in trial is largely attributable to the Applicant himself, as he remained absconding for a considerable period of time.

11. The Applicant stands charged with a grave and heinous offence punishable under Section 302 IPC. The *prima facie* deliberate and premeditated nature of the act, as alleged, coupled with the recovery of the



weapon used, reflects a high degree of culpability. In cases involving offences of such seriousness, the mere passage of time or length of custody cannot, by themselves, justify the grant of bail unless other mitigating factors exist.

12. Having regard to the gravity of the offence, the nature of the evidence collected, the Applicant's conduct, and applying the principles enunciated by the Supreme Court in ***Bhagwan Singh***, the Court does not find sufficient grounds to exercise its discretion in favour of the Applicant.

13. Accordingly, the application is dismissed along with any pending applications.

SANJEEV NARULA, J

NOVEMBER 3, 2025/as