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

+ **BAIL APPLN. 4348/2025**

PRADEEP JAGLAN

.....Petitioner

Through: Mr. Vikas Malik, Advocate

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

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18.12.2025

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing No.295/2020, registered at Police Station Aman Vihar, Delhi for the commission of offence punishable under Section 302 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Sections 25/27 of the Arms Act, 1959.
2. The learned APP for the State has sought time to call for a report/reply from the concerned Jail Superintendent as to whether any punishment was awarded to the present applicant herein for the recovery of the alleged mobile phone from the barrack of applicant herein while he was in judicial custody. The letter in this regard was sent on 02.12.2025 to the concerned Jail Superintendent. However, no report has been received.
3. While this Court was inclined to adjourn the matter for the said purpose, the learned counsel for the applicant had insisted that the



application be disposed of after hearing his arguments. Therefore, this Court proceeds to hear the present bail application.

4. Briefly stated, the facts of the present case are that on 02.07.2020, DD No. 135A was received from Sri Aggarsain Hospital regarding the MLC of Nitin Kumar (hereinafter referred to as the “deceased”), who had sustained gunshot injuries and was declared brought dead. During the course of investigation, eye-witness Neeraj Dalal, the real brother of the deceased, was examined and his statement under Section 161 CrPC was recorded and he stated that on 02.07.2020 at about 8:45 PM, he saw 5–6 persons firing at his younger brother Nitin Kumar (deceased) while he was seated inside his car. He further stated that he identified one of the assailants as co-accused Nitin @ Lilu @ Amandeep. Further, the deceased’s car bearing registration No. DL-8CAU-2132 was found at the hospital with multiple bullet impact marks, and three fired cartridges were found lodged between the bonnet and the windscreen.

5. During the investigation, a white Santro car bearing registration No. DL-8CAX-8059, belonging to the assailants, was also found abandoned in a blocked street near the spot. The crime team inspected and photographed the scene of the crime, the deceased’s vehicle, and the assailants’ vehicle. During the inspection, six fired cartridges were recovered from the spot, and three from the deceased’s car. Accordingly, the present case was registered, and investigation commenced.

6. The learned counsel appearing on behalf of the applicant/accused argues that the applicant/accused herein has been falsely implicated in the present case only, based on the disclosure statement of co-accused. It is argued that the applicant/accused was in jail while the incident took place,



and it was not possible for him to conspire a murder from there. It is further argued that the mobile phone, which was found in the barrack of the applicant/accused, was a keypad mobile phone, and Facebook Messenger could not be used on it to connect with the co-accused. Moreover, the FSL report says that no WhatsApp, facebook messenger data was retrieved. It is argued that there was no conversation between the applicant/accused with the co-accused Amandeep. Therefore, it is prayed that the applicant/accused be granted bail.

7. The learned APP for the State draws the attention of this Court to the FSL report as also to the records reflecting that the mobile phone in question was recovered from the barrack of the applicant/accused. It is argued that a missed call message was retrieved from the said mobile phone, indicating communication with co-accused, Amandeep, who was the assailant present at the spot and the present applicant/accused. It is further argued that the disclosure statement of co-accused Amandeep reveals that the applicant/accused had conspired to commit the murder and that the offence was carried out on his instructions. It is also pointed out that the applicant/accused has a total of twelve previous involvements, including one case under the MCOCA. On these grounds, the learned APP prays that the applicant/accused not be enlarged on bail.

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

9. This Court notes that the applicant/accused in the present case is alleged to have conspired to murder the deceased and his brother in order to return a favour to the co-accused Kuldeep @ Fazza, who had earlier murdered one Aachal on the instructions of the present applicant/accused.



10. It is also pertinent to note that during a search conducted inside the jail barrack of the present accused, two mobile phones, one black Samsung handset and one white dual-SIM Nokia multimedia handset, were recovered from the possession of the applicant/accused. Both devices were thereafter seized and sent to the FSL for examination.

11. Thereafter, the FSL report reveals that a missed call was made on 24.06.2020 at 13:26 hours, a few days prior to the incident, from the mobile number 88*****39 of co-accused Amandeep @ Nitin to a Samsung mobile, which was recovered from the barrack of the applicant/accused. The message was retrieved, which reads as follows: “*You have 1 missed call from 88*****39*”.

12. Further, this Court notes that the disclosure statement of co-accused Amandeep indicates that the present applicant/accused was the mastermind behind the entire conspiracy to murder the deceased, and that the co-accused acted strictly in accordance with his instructions.

13. Moreover, against the applicant/accused, there is *prima facie* material to reflect his involvement in the present case. In ***Brijmani Devi v. Pappu Kumar: SLP (Crl.) Nos. 6335 and 7916 of 2021***, the Hon'ble Supreme Court held as under:

"25. While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time while considering an application for bail Courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a Court to arrive at a *prima facie* conclusion. While considering an application for grant of bail a *prima facie* conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case



brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-à-vis the offence/s alleged against an accused."

14. Considering the overall facts and circumstances and the seriousness of the offence, this Court is *not inclined to grant regular bail* to the applicant.
15. Accordingly, the present bail application stands dismissed.
16. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on the merits of the case.
17. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 18, 2025/ns
RB/AP/GJ