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

+ **BAIL APPLN. 4422/2025 & CRL.M.A. 34211/2025**

ANIRUDH DAHIYA

.....Petitioner

Through: Ms. Joshini Tuli, Adv, Mr. Joginder
Tuli, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
the State along with Insp. Mangesh
Tyagi, ARSC/Crime, Branch.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.11.2025

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1. This application seeks regular bail in FIR No. 218/2021, registered at P.S Model Town under Sections 308/325/323/341/506/188/269/34 of the Indian Penal Code, 1860¹ and 25/54/59 of the Arms Act, 1959². On completion of the investigation, chargesheet has been filed under Sections 302/307/308/364/365/452/323/342/188/269/147/148/506(II)/392/394/397/41 1/201/109/120-B/34 of IPC and Section 25/27 of the Arms Act. The Trial is presently at the stage of the prosecution evidence.

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

2.1. On 05th May, 2021, a PCR call regarding firing inside Chhatrasal Stadium, Delhi was received at P.S. Model Town. On reaching the spot, the police found that a violent quarrel had taken place in the stadium's parking

¹ "IPC"

² "Arms Act"



area, resulting in injuries to three persons, namely Sonu, Sagar, and Amit, who were shifted to BJRM Hospital for treatment.

2.2. District Crime Team inspected the scene and recovered multiple vehicles, blood-stained articles, and a loaded double-barrel gun. Subsequent enquiry revealed that accused Sushil and his associates had assaulted the victims. Later that night, Sagar succumbed to his injuries; the post-mortem confirmed death due to blunt force trauma.

2.3. Investigation revealed that the victims had been abducted from different locations in Delhi and brought to Chhatrasal Stadium, where they were brutally beaten by a group of about 20 persons armed with sticks, hockey sticks, and firearms. Several accused were apprehended from the spot. From the possession of one of them, a mobile phone was recovered, which contained a video recording of the assault. On forensic examination, the FSL opined that the video was genuine and untampered. The footage, according to the prosecution, depicts the Applicant, Anirudh Dahiya, at the scene, actively participating in the beating of the victims.

2.4. Statements of injured witnesses under Section 161 of the Code of Criminal Procedure, 1973³ also name the Applicant and describe his role in the assault. The investigation further revealed that the Applicant fled the spot after the incident and evaded arrest until 10th June, 2021. Multiple vehicles linked to the offence were seized, and 23 accused persons have been chargesheeted.

3. Mr. Pradeep Rana, Counsel for the Applicant, urges the following grounds in support of this Application:

3.1. The Applicant has been in custody for over 3 years and 8 months. Till



date, only 41 of 189 witnesses have been examined. Having regard to the large number of remaining witnesses and the improbability of the trial concluding in the near future, further incarceration is unjustified and violates the Applicant's right to a speedy trial under Article 21.

3.2. The Applicant has been falsely implicated. The four key prosecution witnesses (PW-1 to PW-4), who are the alleged eye-witnesses, have already been examined and have not supported the prosecution. With the key witnesses having turned hostile, and only formal witnesses remaining, there is no realistic possibility of the Applicant influencing the remaining witnesses.

3.3. The Applicant was earlier granted interim bail and, on expiry thereof, he duly surrendered and submitted himself to custody. This conduct demonstrates that he is not a flight risk and that he respects the process of law.

3.4. The prosecution relies on a video of the alleged assault recorded on a phone recovered from a co-accused; however, the Applicant is not visible in this video. Therefore, the most crucial visual evidence, relied upon by the prosecution does not implicate him. In the absence of his presence in the video, and there being no other direct material linking him to the beating inside the stadium, it is urged that the allegation of participation in the assault is not borne out even *prima facie*.

3.5. The investigation suffers from serious infirmities. The prosecution's primary witness, Jai Bhagwan @ Sonu, was subjected to repeated examination and compelled to furnish inconsistent statements, five in total, recorded over nearly fifty days, at both the local police station and the Crime

³ "Cr.P.C."



Branch. These statements are mutually inconsistent and appear to have evolved in tandem with media reportage rather than being based on first-hand recollection. This erodes the credibility of the witness and casts doubt on the fairness of investigation. Reliance is placed on ***Babubhai v. State of Gujarat***,⁴ wherein the Supreme Court emphasised that investigation must be fair, impartial and free from any attempt to fabricate or bolster a prosecution case.

3.6. After the investigation was taken over by the Crime Branch, the Applicant's name surfaced for the first time in the witness's supplementary statement dated 26th May, 2021, well after the incident and after multiple inconsistent statements had already been recorded. This belated and incremental introduction of the Applicant, reflects external pressure rather than contemporaneous incriminating material, and is indicative of an unreliable and tainted investigation.

3.7. All public witnesses relied upon by the prosecution have resided in court and offered no evidence implicating the Applicant. In the absence of any corroboration from these key witnesses, the prosecution's case stands materially weakened.

3.8. Unlike several co-accused against whom NBWs were obtained, no such warrant was ever sought against the petitioner despite his name appearing in the supplementary statement dated 26th May, 2021. The petitioner cooperated with the investigation, appeared before the Crime Branch when called, and was arrested there, reflecting his bona fide conduct and negating any apprehension of absconding.

3.9. the Trial Court declined bail primarily on the basis of the Supreme

⁴ (2010) 12 SCC 254



Court's order cancelling the bail of co-accused Sushil Kumar. It is contended that the Applicant stands on a distinctly different footing, with no material suggesting that he played any role comparable to that of the principal accused. Applicant's bail must be considered on its own merits, and in view of his long custody, cooperation with the process, and the nature of evidence emerging at trial, he ought to be enlarged on bail.

4. Mr. Yudhvir Singh Chauhan, APP for the State, on the other hand opposes the bail application on the following grounds:

4.1. The Applicant is involved in a grave and heinous offence where a group of around 20 assailants, including the Applicant, abducted three victims and brutally assaulted them with sticks, hockey sticks and even firearms, resulting in the death of one victim. The nature and gravity of the offence, coupled with the manner in which it was executed, weigh heavily against the grant of bail.

4.2. The grounds relied on by the Applicant mirror those earlier accepted by this Court while granting bail to co-accused, Sushil Kumar, which order was later set aside by the Supreme Court. The Applicant cannot re-assert the same grounds in light of the judgement of the Supreme Court.

4.3. Jaibhagwan (PW-1), though he later resiled from his testimony during cross-examination, had unequivocally identified the Applicant in his examination-in-chief. The probative value to be accorded to the testimony of a witness who turns hostile is a matter to be assessed at trial and cannot be conclusively determined at the bail stage. It is also relevant that, in his statement under Section 161 Cr.P.C., Jaibhagwan named Anirudh Dahiya and attributed a specific role to him in the assault.

4.4. The prosecution also relies on circumstantial and forensic material. It



is stated that a Maruti Alto car (DL8C AG 5381), allegedly used in the offence, was recovered from the spot and is seen near M-Block, Model Town at the relevant time. CCTV-extracted photographs are said to depict the Applicant inside this vehicle. In addition, the call detail records and location data of the Applicant's mobile phone are asserted to place him at or near crime-related locations.

4.5. After the incident, the Applicant fled from the spot along with his associates and took steps to cause the disappearance of clothes allegedly worn during the assault, indicating consciousness of guilt and an attempt to destroy evidence.

4.6. The trial is at the stage of recording prosecution evidence, and releasing him now may compromise witness testimony. There is also a likelihood of him absconding if enlarged on bail.

5. This Court has considered the rival submissions and perused the material placed on record. It is correct that, while granting bail to co-accused Sushil Kumar, this Court had attached weight to aspects such as inordinate delay in trial and key witnesses not supporting the prosecution. However, that order has since been set aside by the Supreme Court in Criminal Appeal No. 3495 of 2025. The present application, therefore, has to be examined in the backdrop of the Supreme Court's intervention and the concerns expressed therein about the manner in which the case is to be approached at the bail stage.

6. Having regard to the material presently on record, this Court is not persuaded that the Applicant stands on a materially different footing. As noticed by the Trial Court while rejecting his bail application, the injured witness had, in his initial statement, specifically named the Applicant and



attributed to him an active role in the assault. The prosecution also relies on CCTV-extracted photographs which, on the face of it, depict the Applicant inside the Maruti Alto used in connection with the offence at the relevant time; that vehicle was recovered from the spot. In these circumstances, the submission that the photographs carry no weight because they have not yet been spoken to in evidence, or that the Applicant's presence is innocuous on account of his residence at the stadium, does not, at this stage, materially erode the prosecution case. When there is material indicating the Applicant's presence in a vehicle linked to the offence, coupled with his naming by an injured witness, the plea that he occupies a distinct or lesser footing than the principal accused cannot be accepted at the bail stage. Whether these circumstances are ultimately sufficient to establish his culpability is a matter for appreciation of evidence at trial and cannot be conclusively determined in these proceedings.

7. The contention that the Applicant was not named in the FIR also does not advance his cause. The FIR is not expected to contain an exhaustive list of all participants in an incident, particularly where the prosecution case is that a large group of around 20 assailants was involved. The material placed on record indicates that the Applicant's role emerged during investigation through CCTV-derived images, mobile-location data and the statements of injured witnesses. The mere absence of his name in the initial FIR, therefore, does not, by itself, dilute the incriminating material that has surfaced subsequently.

8. As regards the alleged infirmities in investigation, it may be true that witness Jai Bhagwan was examined on multiple occasions and that there are asserted inconsistencies in his various statements. However, the effect of



such inconsistencies on his overall credibility, and on the strength of the prosecution case, are matters squarely within the province of the trial court. At the bail stage, this Court cannot undertake a detailed evaluation of why the supplementary statement naming the Applicant was recorded at a later point, nor can it brush aside other material such as CCTV-extracted photographs and mobile-location data on that basis alone. These are questions that must be tested through cross-examination and proper appreciation of evidence.

9. The submission that public witnesses and the injured witness have resiled in material respects also cannot be decisive in favour of the Applicant at this stage. The record reflects that the injured witness, in his examination-in-chief, did identify and name the Applicant along with other co-accused. Whether his subsequent deviation in cross-examination renders his testimony unreliable, in whole or in part, is an issue for the trial court to decide after assessing his evidence in its entirety. The Supreme Court, while setting aside the bail of co-accused Sushil Kumar, also took note of the fact that the turning hostile of key witnesses appeared to coincide with the period during which that accused was on bail. In the light of that observation, and bearing in mind the specific apprehension of witness influence expressed by the State, the Applicant cannot, at this stage, rely upon the hostility or dilution of testimony of certain witnesses as a ground to secure his own release on bail.

10. The seriousness of the allegations also carries significant weight. The prosecution's case is that the victims were abducted from different locations, brought to the stadium and subjected to a coordinated and violent assault by a group armed with sticks, hockey sticks and firearms, resulting in the death



of one victim and serious injuries to others. A loaded firearm and blood-stained articles were recovered from the spot, and a video of the assault was allegedly found on a mobile phone seized from a co-accused. While the ultimate reliability and evidentiary value of this material are issues for trial, the nature of the incident, as alleged, points to a concerted and brutal attack and cannot be ignored while considering bail.

11. At the stage of adjudicating a bail application, the Court must take into account the nature and gravity of the accusation, the severity of the potential punishment, the existence of *prima facie* material, the likelihood of the accused fleeing from justice, and the possibility of tampering with evidence or influencing witnesses. In the present case, the material on record, the stage of the trial, the Supreme Court's cancellation of bail of the principal co-accused on broadly similar concerns, and the apprehension of witness intimidation all weigh against the grant of bail. The argument of prolonged incarceration is not without significance; however, in the facts of this case, it cannot, by itself, outweigh the cumulative concerns relating to the seriousness of the offence, the nature of the material, and the potential impact on the fairness of the trial, especially when a substantial number of prosecution witnesses are yet to be examined.

12. In view of the above discussion, this Court is not inclined to exercise discretion in favour of the Applicant. The bail application is, accordingly, dismissed. All pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

NOVEMBER 18, 2025/MK