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

+ **BAIL APPLN. 4442/2025, CRL.M.A. 34385/2025**

SURENDER @ MONU

.....Petitioner

Through: Mr. Aman Saroha and Ms. Khushi S.,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with SI Himanshu, Insp. Vivek
Kumar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
19.11.2025

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1. This 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 FIR No. 55/2020 dated 28th February, 2020, registered under Sections 302 and 506 of the Indian Penal Code, 1860³ at P.S. Alipur.

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

2.1. On 27th February, 2020, upon receiving DD No. 54A, the police reached Tata Dharamkanta Gali, Alipur, and learnt that the injured had been taken to SRHC Hospital, Narela, where the deceased, Mukesh @ Ravi, was

¹ "BNSS"

² "CrPC"

³ "IPC"



found *brought dead* on MLC No. 1070/20 with a recorded history of a stab injury. His mother, Raj Kumari, stated that Mukesh had left home to meet the Applicant, Surrender @ Monu, and when he did not return, she called him and he stated he was with Monu. Around 9:30 PM, Monu allegedly came to their house and said Mukesh was lying on the road. She and her husband found Mukesh unconscious with a bleeding chest injury. When confronted, Monu allegedly admitted killing him, threatened her husband, and fled.

2.2. Following registration of the FIR, the crime team inspected the spot and recorded witness statements. The Applicant was arrested, and during his personal search, a mobile phone was recovered which he stated had been used to receive calls from the deceased's family. The Applicant made a disclosure and led the police to an open field near the scene, where he produced a blood-stained knife, stating it was the weapon used in the offence, which he had picked up from a nearby shop. Statements of the shop owner, from whose shop the knife was taken, and a witness who last saw the Applicant with the deceased, were also recorded.

2.3. The knife was sketched, sealed, and seized. The deceased's father produced Mukesh's motorcycle, stating that Mukesh had travelled on it to meet the Applicant and that the Applicant had left it at their house after informing them of the incident. The post-mortem report concluded that death was due to haemorrhagic shock from heart and lung injuries caused by a sharp-stabbing object, which were sufficient to cause death. The autopsy surgeon opined that injuries were possible with the recovered knife. All exhibits were sent to FSL, and CDRs of the accused, deceased and witnesses were procured. Upon completion of investigation, a charge-sheet was filed



under the same sections against the Applicant.

3. Counsel for the Applicant contends that the Applicant has been falsely implicated and that there is no evidence linking him to the alleged offence. The Applicant has been in custody since 28th February, 2020, i.e., nearly five years, and the investigation is complete and all key prosecution witnesses have been examined, with nothing incriminating emerging against him. Counsel urges that the Applicant is a 28-year-old with clean antecedents, neither a previous convict nor a habitual offender. He has twice been granted interim bail twice, and he had surrendered without misusing the liberty, demonstrating that he is not a flight risk. It is further emphasised that he is the sole breadwinner of his family and has his elderly parents to look after; these considerations, along with the prolonged incarceration and the likelihood of further delay in conclusion of the trial, make continued detention unwarranted.

4. On the other hand, Mr. Hemant Mehla, APP for the State, opposes the bail application and submits that the Applicant's prolonged incarceration cannot, by itself, be a ground for grant of bail, particularly in view of the grave and heinous charge under Section 302 IPC. The prosecution witnesses who have already deposed before the Trial Court have clearly established the Applicant's involvement in the commission of the offence. The medical evidence, including the MLC, records that the deceased sustained stab injuries on the chest, a vital part of the body, demonstrating the heinous nature of the assault. Having regard to the settled jurisprudence governing bail in grave and serious offences, the Applicant does not deserve bail.

Analysis

5. The Court has considered the aforementioned submissions and perused the



material on record. At the stage of considering a bail application, it is well settled that the Court must evaluate, on a *prima facie* basis, relevant factors such as the nature and gravity of the accusation, the severity of punishment in the event of conviction, the likelihood of the accused absconding or tampering with evidence, and whether the prosecution has placed material indicating the accused's involvement.⁴ It may also be emphasized that the Supreme Court in ***Bhagwan Singh v. Dilip Kumar alias Deepu alias Deepak and Anr.***⁵, reiterated that bail is a discretionary relief, to be granted or denied based on the specific facts and circumstances of each case. The relevant extract is as under:

“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]

⁴ ***Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.*** (2010) 14 SCC 496.

⁵ 2023 INSC 761.



6. Although the Applicant has remained in custody for nearly five and a half years, the Court cannot lose sight of the fact that he stands charged with a grave and serious offence under Section 302 IPC, punishable with death or imprisonment for life. The material collected during investigation, as also reflected in the testimonies of the prosecution witnesses examined thus far, *prima facie* indicates the active involvement of the Applicant. The recovery of the alleged weapon of offence, a blood-stained knife, at the instance of the Applicant, coupled with the medical opinion that the injuries, including the fatal injury to the chest, were possible with the said weapon, supplements the case of the prosecution. Although one of the eyewitnesses is stated to have turned hostile, this Court cannot, in bail proceedings, conduct a mini-trial⁶ or undertake a meticulous assessment of the probative value of the testimonies, as such an exercise may cause prejudice to either side. Moreover, with only 9 out of 21 witnesses examined, the possibility of the Applicant influencing or threatening remaining witnesses cannot be ruled out.

7. Having regard to the totality of the facts and circumstances, and applying the settled principles governing the grant of bail in cases involving serious offences, in the opinion of this Court, it is not a fit case to enlarge the Applicant on bail. Nevertheless, considering that the trial is underway, the Trial Court is requested to expedite the proceedings, subject to its roster and workload, so that the matter may reach an early conclusion.

8. Accordingly, the application is dismissed along with the pending applications.

⁶ See *Brijmani Devi v. Pappu Kumar & Anr.*, (2022) 4 SCC 497 and *Mahipal v. Rajesh Kumar @ Polia*, (2020) 2 SCC 118.



9. It is clarified that any observations made in the present order are for the purpose of deciding the present 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.

SANJEEV NARULA, J

NOVEMBER 19, 2025

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