



\$~53 (25.11.2025)

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

+ **BAIL APPLN. 4541/2025 & CRL.M.A. 35060/2025**

RAJA

.....Petitioner

Through: *Appearance not given (through VC).*

versus

STATE(GOVT. OF NCT DELHI)

.....Respondent

Through: **Mr. Hemant Mehla, APP for State.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

26.11.2025

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[The matter has been taken up today as 25th November, 2025 was declared a holiday on account of 350th anniversary of “Guru Teg Bahadur’s Martyrdom Day”]

1. This is the second bail application before this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeking regular bail in case FIR No. 883/2022 dated 29th August, 2022, registered at P.S. Jahangir Puri, Delhi under Sections 302 and 34 of the Indian Penal Code, 1860³. Upon completion of investigation, a charge sheet was filed under Sections 302, 120B, 201 and 34 IPC.

2. The case of the prosecution, in brief, is that on 29th August, 2022, a PCR call regarding a stabbing was recorded at P.S. Jahangir Puri. Upon

¹ “BNSS”

² “CrPC”



reaching the spot near Hanuman Mandir, K-Block Jhuggi, behind ITI Jahangir Puri, the police found a pool of blood, and the injured was declared brought dead at BJRM Hospital, New Delhi. The statement of the eyewitness, Neha, was recorded, wherein she alleged that four boys had entered her jhuggi and assaulted the deceased; she identified two co-accused, Birju @ Banta and Ravi @ Rana, both allegedly armed with knives, and stated she could recognize the other two assailants if shown to her. During investigation, CCTV footage from a camera near the house of co-accused Birju @ Banta allegedly showed Birju @ Banta, the Applicant Raja, and co-accused Chandan returning together to Birju's house around 3:00 AM after the incident. A neighbour, Deepak Nanda, also corroborated this incidence by stating that he saw the three returning, with Birju bearing bloodstains and injuries. On being shown the CCTV footage, Neha allegedly identified the Applicant as one of the unknown assailants. Proceedings under Section 82 CrPC were initiated against co-accused Ravi @ Rana and Chandan, and Ravi @ Rana was subsequently arrested on 18th April, 2024.

3. Counsel for the Applicant submits that when the earlier bail application was rejected on 16th May, 2024, the trial was at an initial stage and the testimony of PW-1, i.e., the main eyewitness, had only been partly recorded. More than a year and a half has since passed, yet the trial has made negligible progress, with only 9 out of the 29 prosecution witnesses examined till date. This prolonged incarceration, coupled with the slow pace of the proceedings, constitutes a material change in circumstances warranting the grant of bail, particularly as the continued detention infringes the Applicant's fundamental right to speedy trial under Article 21 of the

³ "IPC"



Constitution. On merits, it is further submitted that PW-1 has not supported the prosecution case in her deposition during trial.

4. On the other hand, Mr. Hemant Mehla, APP for State, submits that the trial is still at a nascent stage and, apart from PW-1, another key eyewitness, PW-5 Deepak Nanda, is yet to be examined. Considering the gravity of the offence and the stage of the proceedings, releasing the Applicant at this juncture poses a substantial risk of his influencing witnesses or absconding.

Analysis

5. The Court has considered the rival submissions and perused the material on record. This Court had earlier, *vide* order dated 16th May, 2024, dismissed the Applicant's first bail application [BAIL APPLN. 1218/2024] upon conducting a *prima facie* evaluation of the evidence, finding no grounds to grant bail. The Applicant now seeks to rely upon the increase in the period of custody as constituting a change in circumstances. However in the facts of the present case, the mere lapse of time, without any corresponding dilution of the incriminating material, does not amount to a substantial change warranting reconsideration of bail.

6. The nature of the allegations continues to disclose a grave and brutal offence of murder. As noted in the previous bail dismissal order, and reiterated from the prosecution record, the Applicant is alleged to be one of the assailants who participated in the fatal assault, and his involvement is *prima facie* supported by CCTV footage showing him returning to the house of co-accused Birju @ Banta shortly after the incident, along with co-accused Chandan. The prosecution has additionally asserted that Birju @ Banta was seen wearing bloodstained clothes and bearing injuries at that time. Notably, a material eyewitness, PW-5 Deepak Nanda, who is alleged



to have seen the Applicant and the co-accused returning together after the crime, is yet to be examined. Although the testimony of PW-1 Neha stands recorded, her cross-examination remains. In these circumstances, releasing the Applicant at this stage carries a real and not merely speculative risk of influencing material witnesses or impeding the trial.

7. In view of the foregoing, and there being no material change in circumstances sufficient to displace the findings recorded in the earlier bail dismissal order, this Court finds no ground to grant bail to the Applicant. The present application is, accordingly, dismissed along with the pending application(s).

SANJEEV NARULA, J

NOVEMBER 26, 2025/MK