



2025:DHC:450



\$~4

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of decision: 20th January, 2025

+

BAIL APPLN. 4651/2024**NAVEEN @ GHODA**

.....Petitioner

S/O - Sh. Jagpal Singh

R/O- House No. 96, Barsana Panna

Tikri Kalan, Delhi

Through Perokar- Father

Sh. Jagpal Singh

R/O- House No. 96, Barsana Panna

Tikri Kalan, Delhi

Through: Mr. Maninder Singh, Sr. Advocate
with Mr. Ajay Kumar Pianiya, Mr.
Paras Punyani, Mr. Deepak Mathur,
Mr. Tarang Pandit & Mr. Lavish
Chhikara, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through SHO

PS- Mundka

Through: Ms. Meenakshi Dahiya, APP for
State.

CORAM:**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****JUDGMENT (oral)**

1. The present Bail Application under *Section 483* of the *Bharatiya Nagarik Suraksha Sanhita, 2023/Section 439* of the *Code of Criminal Procedure, 1973* has been filed on behalf of the Petitioner seeking Regular

Signature Not Verified

Digitally Signed
By: VIKAS AKORA
Signing Date: 27.01.2025
17:43:49

BAIL APPLN. 4651/2024**Page 1 of 6**



2025:DHC:450



Bail in FIR No. 493/2021 under *Sections 302/201/365/120B* of the *Indian Penal Code, 1860* (hereinafter referred to as “IPC, 1860”) read with *Sections 25 and 27 of the Arms Act* registered at Police Station Mundka, Delhi.

2. It is submitted that the Petitioner was arrested on 02.06.2021. Initially, the FIR was registered under *Sections 365/34 of IPC, 1860*. After the arrest of the Petitioner and the other co-accused persons, *Sections 302/201/364 of IPC, 1860* and *Sections 25 and 27 of the Arms Act* were added subsequently. The Chargesheet had been filed against the accused persons against whom the Charges were framed *vide* Order dated 01.04.2023 and the trial is pending before the Court of learned Additional Sessions Judge.

3. It is further submitted that the two material witnesses, PW1/Smt. Poonam/Complainant, mother of deceased Shri Akshay and PW2/Jatin, brother of the deceased, who are the eyewitnesses, had been examined. A total of five witnesses have been examined by the prosecution.

4. The co-accused, Nitin @ Dagga, has already been granted Regular Bail by this Court *vide* Order dated 28.11.2024 who was also in custody since June, 2021 and had a similar role as the present Petitioner. It is submitted that the Petitioner is similarly placed as co-accused Nitin @ Dagga. The Petitioner is in judicial custody from 02.06.2021 i.e., for more than 3 ½ years.

5. It is further submitted that the Petitioner was granted Interim Bail by this Court *vide* Order dated 25.08.2023 which was extended, but he did not misuse his liberty during that period.

6. The FSL Result of CCTV footage does not support the case of the



2025:DHC:450



prosecution and the Petitioner could not be identified in the CCTV footage. Moreover, the two eyewitnesses i.e., PW1/Smt. Poonam and PW2/Jatin do not support the case of the prosecution.

7. Therefore, the Petitioner has sought the Regular Bail.

8. **The Status Report has been filed on behalf of the State**, wherein it is stated that the role of the Petitioner is distinct from that of co-accused/Nitin@Dagga. It is the Petitioner who had planned along with the co-accused, Charanjeet @ Chintu @ Golcha and Nitin @ Dagga, and had shot the deceased/Akshay after providing him a drink in his I-20 Car on the night of 31.05.2021 and disposed of his dead body in the drain near Jharoda Kalan Village.

9. The weapon of offence i.e., pistol along with the two cartridges had been recovered from the possession of the Petitioner. The Applicant identified the place of incident and got the dead body of the deceased/Akshay recovered from the *Nala*.

10. The exhibits were sent to FSL, Delhi. After completion of investigations, the Chargesheet has already been filed against the accused persons. The FSL result has also been filed along with the Supplementary Chargesheet.

The present Bail Petition is opposed on the ground that the offence is heinous and the Petitioner has previous criminal involvement in five FIRs.

11. *Learned Additional Public Prosecutor* has further submitted that the role of Nitin @ Dagga was distinct from the Petitioner. Essentially, the allegations against Nitin @ Dagga were of conspiracy and of assisting the Petitioner and co-accused Charanjeet @ Chintu @ Golcha in disposing of



2025:DHC:450



the dead body. Three empty cartridges and mobile phone of deceased/Akshay were recovered from Co- accused Nitin @ Dagga after his arrest.

12. It is submitted that there is no parity of role between Nitin @ Dagga as the Applicant who was the main perpetrator of the crime. The Petitioner is the one who had abducted the deceased/Akshay and thereafter, shot him dead. Moreover, the two eyewitnesses i.e., PW1 and PW2 have fully supported the case of the prosecution.

13. It is also submitted that no bail can be granted to the Applicant on the ground of parity or merits.

14. **Submissions heard and record perused.**

15. The case of the prosecution in nutshell, is that on 01.06.2021, a PCR call was recorded *vide* DD No. 70A at Police Station Mundka, Delhi, wherein *“it was stated that one Akshay, son of Late Sh. Govind, aged 21 years and the son of the lady caller was taken away forcibly by the two neighbours in a I-20 Car yesterday (31.05.2021) at 11:00 PM. Both the boys are now present in their house and the car is also available, but they are not disclosing the whereabouts of her son.”* The statement of lady caller, Smt. Poonam, mother of deceased/Akshay, was recorded and the present FIR was registered and the investigations were initiated.

16. During investigation, I-20 Car bearing No. DL 8CAT 6268 was recovered from a vacant plot at Village Tikri Kalan which was found containing blood stains, which was revealed to be belonging to the Applicant.

17. The Applicant was arrested on the secret information received,



2025:DHC:450



wherein it was disclosed that the Petitioner wanted to take revenge from deceased/Akshay for not helping him when he was being beaten by one Surender @ Pappu and his friends. The Applicant thus, entered into a conspiracy with co-accused, Charanjeet @ Chintu @ Golcha and Nitin @ Dagga and shot dead the deceased/Akshay after providing him with a drink in his car, on the night of 31.05.2021. The dead body of deceased/Akshay was disposed of on 01.06.2021.

18. The allegations against the present Petitioner are of being the main perpetrator of the crime who along with other co-accused persons, namely Charanjeet @ Chintu @ Golcha and Nitin @ Dagga, took away the deceased from his house, for which the Charges of abduction have been levelled. Not only this but also that the Petitioner, as per the case of the prosecution, was the one who shot the deceased/Akshay, resulting in his death.

19. Moreover, the weapon of offence i.e., pistol along with two live cartridges had also been recovered from the possession of the Petitioner.

20. The Petitioner cannot claim any parity with the co-accused Nitin @ Dagga who had been granted Regular Bail against whom the allegations were essentially under *Section 201 of IPC, 1860*.

21. Considering the gravity of the allegations made against the Petitioner and the totality of the circumstances, no case is made out for grant of Bail to the Applicant.

22. Accordingly, the present Application is hereby dismissed.

(NEENA BANSAL KRISHNA)
JUDGE



2025:DHC:450



JANUARY 20, 2025
S.Sharma