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

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Date of decision: 20.03.2025

+ **BAIL APPLN. 4820/2024****DARSHAN DABAS**

.....Petitioner

Through: **Mr. Prashant Dabas, Adv.**
(through VC)

versus

THE STATE GOVT. OF NCT OF DELHIRespondentThrough: **Mr. Aman Usman, APP for the**
State with Insp. Pardeep Rawat,
Vigilance and Insp. Rajeev
Kumar, P.S. Nazafgarh.**CORAM:-****HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT (ORAL)****RAVINDER DUDEJA, J.**

1. Petitioner Darshan Dabas has filed bail application under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023, read with Section 439 Cr. PC for grant of regular bail in case FIR No. 405/2018, under Section 302/365/120-B/34 IPC and Section 27 Arms Act, PS Najafgarh, Delhi.

2. Learned counsel for petitioner submits that applicant/accused has no role to play. It is submitted that the case against the accused is based on circumstantial evidence. PW-8, Vijay Pal, who testified before the court that his deceased brother (Praveen Rathore) informed



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him that he was going to meet applicant/accused, Darshan Dabas for settling some property dispute, is partly hostile. PW Sombir is also hostile, inasmuch as, he has testified that applicant/accused has no dispute qua the property in dispute and he was totally unknown to the deceased Praveen Rathore.

3. It is also argued that all the material witnesses have already been examined but no evidence has come on record against the present applicant. Nothing incriminating has been recovered from the possession of the applicant/accused. There are no chances of tampering with the witnesses, as only police officials remain to be examined. It is also submitted that the case is not likely to be decided in near future as the case property has been sent to FSL after a lapse of seven years and FSL report is still awaited.

4. Bail application has been opposed by the learned Additional PP, arguing that despite being in custody, the petitioner managed to win over the public witnesses. As per nominal role, applicant/accused is involved in six more cases and is already a convict in case FIR No. 638/2008, under Section 302 IPC and under Section 25 Arms Act, PS Najafgarh. It is submitted that applicant has committed the murder pursuant to conspiracy hatched with the co-accused persons. It is submitted that the weapon of offence has been recovered from the possession of the accused and his location at the scene of crime stands established through the CDR records.

5. As per prosecution version, complainant Vijay Pal, brother of deceased Praveen Rathore, made a complaint at PS Najafgarh about



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the missing of his brother on 12.12.2018. As per the said complaint, at about 1.00 pm, Praveen told him that he was going to Ghevra to meet Darshan and left the house. Since Praveen was not attending his phone call, he reported the matter to the police at 100 number. At about 12.00 am, complainant spotted his brother lying dead with gunshot injury at Nangli Industrial Area, behind Coca Cola Factory. FIR was registered under Section 302 IPC and 25/27 Arms Act.

6. During investigation, co-accused Satish Kumar @ Shakti Dada was arrested on 27.12.2018, and on his disclosure, petitioner has been arrested. The first bail application filed by the applicant/accused has been dismissed by this Court vide order dated 16.08.2024. There has been no substantial change of circumstance since the dismissal of the last bail application, except the passage of some time. The claim of the petitioner that public witnesses have not supported the prosecution version, cannot be considered at this stage. It is not a stage to dissect the material on record and to examine it microscopically. The infirmities in the testimonies of the witnesses, if any, are to be decided at an appropriate stage. Admittedly, co-accused Pramod Kumar has been granted bail by this Court and the other co-accused Satish Kumar has been enlarged on bail by the Sessions Court, but applicant/accused cannot claim parity, inasmuch as, prosecution is strongly relying upon the recovery of weapon of offence i.e. pistol from the possession of the present applicant. Another piece of evidence, upon which the prosecution is relying against the accused to prove his guilt, is the call



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detail records, which show the presence of the accused near the spot of occurrence.

7. The nominal roll received from jail shows that accused has criminal antecedents. He is involved in case FIR No. 638/2008, under Section 302 IPC and under Section 25 Arms Act, PS Najafgarh.

8. Hence, considering the overall facts and circumstances and the nature and gravity of the allegations, I am of the view that this is not a fit case for grant of bail to the applicant/accused at this stage.

9. The application is accordingly dismissed.

RAVINDER DUDEJA, J.

MARCH 20, 2025

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