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

+ **BAIL APPLN. 4/2025**

NARENDER ALIAS NARAYAN SINGH BISHTPetitioner

Through: Mr. Sajan Pal Singh, Advocate.
versus

THE STATE GOVT OF NCT OF DELHIRespondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with Ms. Mansi Sharma,
Advocate.
Insp. Kailash Chand and SI
Dharmender, P.S. Kishan Garh.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **30.04.2025**

1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS seeks regular bail in case FIR No. 508/2022, under Section 302 of the IPC, registered at P.S. Kishan Garh.
3. The case of the prosecution against the present applicant, as per status report dated 07.03.2025, authored by Insp. Shri Niwas, P.S. SHO/Kishan Garh, is that on 08.11.2022, a PCR call vide DD No. 19A was received at P.S. Kishan Garh, Delhi, in pursuance of which the concerned police officials reached the spot. It is stated that a dead body was found lying on the spot, which had been hit on head and there was heavy bleeding from the said body and a stone was lying along with it, which was allegedly used in the commission of crime. During enquiry, one lady namely Deepa Arya, aged



about 40 years, came to the spot and identified the dead body to be of her husband's namely, Kishan Kumar. During further investigation, the wife of the deceased was examined and she raised suspicion on the present applicant, who was her husband's friend and further informed that on 07.11.2022 at about 12:30 PM, her deceased husband informed that he is sitting in a park with his friends but later his phone was switched off.

4. It is further alleged that she had enquired about her husband from the present applicant, who was behaving suspiciously and was not providing any satisfactory response. During further investigation, the present applicant was apprehended and during interrogation, at his instance, the deceased's mobile phone, which he had thrown in the park, as well deceased's purse, which was at the applicant's house, were recovered. During investigation, his mobile phone, blood-stained clothes were taken into police custody and on completion of investigation, chargesheet was filed before the Court of competent jurisdiction. The matter is at the stage of prosecution evidence.

5. Learned counsel appearing on behalf of the applicant submits that the latter has been implicated in the present case on the basis of circumstantial evidence as there is no eye witness to the incident. It is further submitted that the recoveries in the present case have been planted on him and no motive has been ascribed by the prosecution to connect the present applicant with the offence. It is further submitted that the applicant was in constant touch with the wife of the deceased on phone during the time when the deceased was missing. It is further submitted that the applicant had, in fact, gone to the deceased's house in the evening to assist in search of the deceased. It is further submitted that the applicant has been in custody since 08.11.2022 and he is sole bread earner of his family.



6. *Per contra*, learned APP for the State submits that the circumstantial evidence collected in respect to the present applicant is complete in all respect inasmuch as PW-6 has stated that the present applicant was present at the park where the dead body of the deceased was found on the date of the incident, *i.e.*, 07.11.2022, and the present applicant had, in fact, called him over to celebrate. It is further submitted that, during investigation, CDR details of the applicant as well as the deceased were obtained and analysed and it was found that at the time of incident, the location of their mobile phones were shown in the same vicinity and their further connectivity with each other has also been established. As per FSL report, the blood stains on the clothes recovered at the instance of the applicant matches with the same of the deceased's blood. The DNA profile generated from the blood sample of the deceased matched with the DNA profile generated from the shirt of the present applicant.

7. This Court has perused the records. The circumstantial evidence with respect to the present applicant as collected during the course of the investigation is consistent to the effect that the applicant was present at the spot on the date of the incident and was with the deceased. The recovery and other scientific evidence which has been placed on record also points to the involvement of the present applicant.

8. It is for the applicant to explain circumstances which have been raised against him during the course of the trial as the same cannot be examined by this Court at this stage. It is pertinent to note that prosecution has cited 26 witnesses and out of which, 20 have already been examined.

9. In view thereof, this Court is not inclined to grant bail to the present applicant at this stage, and accordingly, the present application is dismissed and disposed of.



10. Learned Trial Court is requested to proceed with the trial as expeditiously as possible without giving any undue adjournment to either of the parties.
11. Pending application(s), if any, also stand disposed of.
12. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.
13. Copy of the order be sent to the learned Trial Court as well as the concerned Jail Superintendent for necessary information and compliance.
14. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

APRIL 30, 2025/bsr

Click here to check corrigendum, if any