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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 24/2025

PRASHANT

.....Applicant

Through: Mr. Pradeep Rana, Mr.
Gagan Bhatnagar, Mr.
Sujeet Beniwal, Mr.
Deepak Chillar and Mr.
Ahish Kr. Tiwari, Advs.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Ms. Priyanka Dalal, APP
for the State with Insp.
Jasvir Singh and Insp.
Parmod Kr, PS Begumpur.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

16.09.2025

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1. The present application is filed seeking regular bail in FIR No. 258/2022 dated 21.02.2022, registered at Police Station Begum Pur, for the offence under Section 302 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.
2. Briefly stated, it is alleged that on 21.02.2022 an information was received at Police Station Begumpur vide DD No. 19A pertaining to the injuries sustained by one Pardeep Kumar. It is alleged that the said Pardeep Kumar, on being taken to the hospital, was declared brought dead (hereafter '**the deceased**').
3. It is alleged that the accused persons being Gaurav and



Seema/wife of the deceased were involved in a romantic relationship and in order to usurp the property of the deceased, accused Gaurav and Seema hatched a conspiracy with other accused persons to commit the murder of the deceased.

4. It is alleged that the accused Gaurav contacted co-accused Parminder @ Pummy to commit the alleged offence and also proposed to pay a sum of ₹4,00,000/- to commit the murder of the deceased. Thereafter, co-accused Parminder @ Pummy contacted co-accused Rinku who then contacted co-accused Saurabh Chaudhary and the applicant to commit the alleged act.

5. It is alleged that on 21.02.2022, the accused persons namely Parminder @ Pummy, Saurabh Chaudhary, Rinku, Vishan @ Vishu and the applicant departed from Oyo Hotel, Rohini. It is alleged that the said accused persons chased the deceased and co-accused persons Rinku, Saurabh and the applicant fired at the deceased near Deep Vihar Chowk. It is alleged that the applicant fired at the deceased from his *desi katta*.

6. During the course of the investigation, it was found that the accused Gaurav Teotia used to live in the house of the deceased and he revealed that he purchased one pistol, two *desi kattas* and live cartridges from one Rahul Saini. He further disclosed about the involvement of the other accused persons including the applicant in the present case. Co-accused Parminder @ Pummy disclosed that accused Gaurav had transferred a sum of ₹50,000/- in his account.

7. During the course of the investigation, one *desi katta* and two live cartridges were recovered from the applicant and one



cartridge was found inside the barrel of the *desi katta*. Further, on an analysis of the CDR and CAF of the accused persons, it was found that the applicant was in contact with co-accused Saurabh during the time when the alleged offence was committed.

8. During investigation, the exhibits of the case were sent to FSL and the report revealed that the bullets recovered from the body of the deceased were discharged from the pistol recovered from the possession of co-accused Rinku and Saurabh.

9. The applicant was arrested on 22.02.2022 and has been in custody since then.

10. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that the applicant has been roped in the present case only on the basis of disclosure statement of the co-accused and the CDR connectivity of the applicant with co-accused Saurabh. He submits that the FSL report reveals that the two bullets recovered from the body of deceased were not fired with the weapon allegedly in the possession of the applicant.

11. He submits that the applicant has been languishing in custody since 22.02.2022 and only 09 out of 40 witnesses have been examined. He submits that in such circumstances the trial is not likely to conclude in the near future.

12. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. She submits that the allegations against the applicant are serious in nature. She submits that the CDR connectivity of the applicant reveals that he was in touch with co-accused person Saurabh during the period between 19.02.2022 – 21.02.2022. She



submits that one *desi katta* and two live cartridges were also recovered from the applicant.

13. I have heard the counsel and perused the record.

14. At this stage, the applicant has been made an accused in the present case on the basis of the disclosure statement of the co-accused persons. The only other evidence sought to be relied upon by the prosecution to establish the guilt of the applicant is the CDR connectivity. It has been emphasised that during the contemporaneous time, the applicant was in contact with one of the co-accused persons. Whether the fact that applicant was in touch with other co-accused person during the period when the alleged incident took place is sufficient to establish that the applicant was involved in the commission of the alleged offence is a matter of trial and cannot be commented upon at this stage.

15. Insofar as the claim in relation to the recovery of weapons from the applicant is concerned, it is undisputed that as per the FSL Report, the same does not match with the bullets which were found at the place of incident or in the body of the deceased.

16. The motive in the present case has been attributed to the wife of the deceased and co-accused Gaurav who are alleged to have been in a relationship and to have conspired to commit the murder of the deceased in order to usurp his property.

17. The applicant is alleged to have been engaged by the co-accused Gaurav for committing the offence. As noted above, at this stage, the evidence on the basis of which the applicant is sought to be prosecuted is the disclosure statement of the co-accused and the CDR showing that the applicant was in touch



with one of the co-accused persons, namely, Saurabh. Whether the applicant was complicit in the commission of the alleged offence or not would be examined during the course of the trial, however, at this stage, it cannot be ignored that the applicant is in custody since 22.02.2022 and only 09 out of 40 witnesses have been examined.

18. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.

19. The applicant is also stated to be of clean antecedents.

20. Considering the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the boundaries of the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned



IO/ SHO;

- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phones switched on at all times.

21. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

22. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and shall not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

23. The present bail application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 16, 2025

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