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

+ **BAIL APPLN. 4793/2025, CRL.M.A. 36900-36901/2025**

IRFAN

.....Petitioner

Through: Mr. Praveen Kumar, Advocate.

versus

STATE NCT DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Insp. Narendra Singh, PS-
Ghazipur.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **10.12.2025**

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in FIR No. 0033/2025 registered at P.S. Ghazipur, for the offences under Sections 103(1)/61(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.³

2. The case of the prosecution is as follows:

2.1. On 14th January, 2025, a PCR call was received at P.S. Ghazipur reporting that a boy named Pawan had been murdered near Gajji Bhati Gate. On reaching the spot, the police found a boy lying dead near a drain with deep injuries on the head and left leg, and blood scattered on the road and boundary wall.

¹ "BNSS"

² "Cr.P.C."



2.2. The FIR was registered on a statement made by an eyewitness, Ankit. He alleged that on the intervening night of 13th-14th January, 2025, he saw Mohit Bhati, Karan @ Kaku, Rahul Thakur, Irfan (the Applicant), Sandeep @ Khoka, Nikhil @ Nikki and others consuming alcohol, with Pawan. When Pawan tried to leave, Mohit Bhati repeatedly restrained him. A quarrel followed during which Rahul Thakur allegedly brandished a firearm. Soon thereafter, abuses were exchanged between Mohit Bhati and Pawan; Mohit choked Pawan from behind, which, according to Ankit, compelled him to intervene.

2.3. Ankit further narrated that Sandeep @ Khoka, Karan @ Kaku, Mohit Bhati, Nikhil Jatav @ Nikku and the Applicant pushed Pawan to the ground and assaulted him with bricks and stones, causing severe bleeding. He added that Rahul Thakur threatened him with the firearm, and Sandeep @ Khoka also struck him. While the others continued to hit Pawan with stones, the Applicant allegedly recorded the assault on his mobile phone and threatened to kill Ankit if he disclosed the incident.

2.4. Ankit further stated that on hearing a police siren, the assailants fled. While running away, they allegedly threw Pawan into a nearby drain. He returned about ten minutes later, retrieved Pawan, then unconscious, with the help of a friend, and called the police for help.

2.5. The prosecution alleges that the accused, Mohit Bhati, Karan @ Kaku, Rahul Thakur, the Applicant, Sandeep @ Khoka and Nikhil @ Nikku, with a common intent, conspired to kill Pawan Yadav.

2.6. During investigation, the Applicant was arrested from his residence, and on his disclosure, Sandeep Kumar @ Khoka, Nikhil Gautam @ Nikku

³ “BNS”



and Rahul were also arrested. On conclusion of investigation, chargesheet was filed under Sections 103(1)/61(2)/351(2)/3(5) of BNS and Section 27 of the Arms Act.

3. Mr. Praveen Kumar, counsel for the Applicant seeks regular bail. He argues that the Applicant is falsely implicated despite having no role in the alleged incident and did not touch or assault the victim at any point. The CCTV relied upon by the prosecution places the Applicant on the periphery as a bystander; he neither laid hands on the deceased nor joined the assault, and was, in fact, attempting to defuse a drunken altercation between the co-accused and the deceased. He has no criminal record and deep roots in the society, and is willing to abide by any conditions that this Court may consider appropriate while granting bail.

4. On the other hand, Mr. Amit Ahlawat, APP for the State, opposes the bail application. He submits that the allegations against the Applicant are serious in nature, resulting in the cold-blooded murder of Pawan Yadav. It is contended that the eyewitness has specifically named the Applicant, alleging that he recorded the incident and threatened the witness with dire consequences should he disclose the events. The Applicant is present at the scene as seen in the CCTV footage and was identified during investigation. In view of the gravity of the offence, it is argued, no ground for grant of bail is made out.

5. The Court has considered the facts of the case and the contentions advanced by the parties. While deciding a bail application, the Court must consider several factors, including whether there is a *prima facie* case or reasonable grounds to believe the accused has committed the offence, the likelihood of the accused repeating the offence, the nature and seriousness of



the accusation, the severity of the potential punishment upon conviction, the risk of the accused absconding or fleeing if granted bail, and the reasonable apprehension of witnesses being intimidated by the accused.

6. The Applicant stands implicated in a grave and heinous offence, involving the brutal murder of the deceased along with the co-accused. The eyewitness, Ankit, has provided a clear and detailed account of the incident alleging that the Applicant was a part of the group that assaulted the deceased with bricks and stones. He has further stated that the Applicant recorded the incident on his mobile phone and threatened the witness with dire consequences should he disclose the events. The allegation of witness intimidation is particularly serious and raises a credible apprehension of interference with the administration of justice.

7. CCTV clips from the two relevant locations consistently place the Applicant at the scene. The defence suggestion that he is merely “standing by” cannot be resolved through a mini-trial on the basis of footage at this stage, particularly when the ocular version expressly attributes participation and intimidation. Where the prosecution case invokes Section 61 BNS (common intention, in *pari materia* with Section 34 IPC), the absence of a separately visible overt act in a clip does not, by itself, sever liability if there is sufficient material to infer shared design and concert. A specific overt act is not indispensable for fastening liability under the principle of common-intent, what matters is the meeting of minds and participation in furtherance of the common purpose.

8. In these circumstances, the material presently on record, including the eyewitness statement and CCTV footage, provides sufficient *prima facie* basis to connect the Applicant with the incident resulting in the death of the



deceased. Having regard to the seriousness of the allegations, the Applicant's attributed role, the corroborative CCTV evidence, and the specific assertion of threats extended to a material eyewitness, this Court finds no ground to exercise the discretion of granting bail. The application is accordingly dismissed.

9. It is clarified that the observations made herein are only for the purpose of adjudicating the present bail application and shall not be construed as an expression of opinion on the merits of the case at trial.

10. Disposed of, along with pending applications.

SANJEEV NARULA, J

DECEMBER 10, 2025

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