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

+ **BAIL APPLN. 4804/2025 & CRL.M.A. 36974/2025**

INDAL KUMAR

.....Petitioner

Through: Mr. Gaurav Tyagi, Mr. Deepanshu Baisla, Mr. Jatin Nagar and Mr. Vaibhav Tyagi, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.12.2025

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1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from FIR No. 506/2023 dated 23rd August, 2023, registered at P.S. Uttam Nagar, under Section 302 of the Indian Penal Code, 1860³.

2. The prosecution case, as emerging from the charge sheet, is summarised as follows:

2.1. On 22nd August, 2023, SI Dimpy Gulia received DD No. 16A and proceeded to the vicinity of Supreme Model School, Uttam Nagar, Delhi. As the place of incident could not be identified and no eyewitness was found

¹ "BNSS"

² "CrPC"



present, he continued the enquiry and reached DDU Hospital, where MLC No. 7468/23 of an unidentified male, later identified as Sanjeev Kumar, was obtained. In MLC, the doctor recorded that the injured had been brought by the police in a drowsy state with swelling in the right orbital region, the occipital region, as well swelling and laceration wounds on the nose bridge, with nature of injury as blunt/grievous. On 23rd August, 2023, the deceased's brother Raju lodged a missing report. Later, by DD No. 151A, the police received intimation of the injured man's death at Safdarjung Hospital, whereupon Raju identified the body as that of his missing brother Sanjeev Kumar.

2.2. On further inquiry in the locality, the police met complainant Muskan, who stated that at about 1:00-1:15 AM on 22nd August, 2023, she had witnessed the Applicant, whom she knew from before, quarrelling with a man at a T-point of the street near her residence. She stated that during the altercation, the Applicant pushed the elderly man, causing him to fall and thereafter began kicking him repeatedly. The Applicant delivered forceful kicks and blows to the victim's head, including repeatedly smashing his head against the road surface, leaving him unconscious. Her husband Deen Mohammad checked the victim, and upon failing to locate nearby police, she made a PCR call, following which the victim was taken to the hospital.

2.3. The police inspected the spot and obtained CCTV footage from both government-installed cameras and a private DVR at Plot Nos. 5-6-7, which captured the incident between 1:00-1:05 AM. The footage depicts the Applicant pushing the deceased, assaulting him with kicks, and subsequently banging his head on the road. The DVR was seized, sealed, and sent to FSL.

³ "IPC"



A crime team inspected the site, a scaled site plan was prepared, and statements of witnesses including Deen Mohammad were recorded. On 24th August, 2023, a post-mortem was conducted at Safdarjung Hospital, opining the cause of death as cranio-cerebral damage consequent to blunt force impact, with all injuries being ante-mortem. Exhibits, biological samples, and electronic evidence were sent to FSL for examination.

2.4. The Applicant was arrested on 12th September, 2023 and is stated to have made a disclosure that the deceased had abused his mother and sister, and that he had, therefore, assaulted him. On his pointing out, the place of incident was identified, and the clothes allegedly worn by him during the incident were recovered. On completion of investigation, a chargesheet has been filed, whereby Applicant has been implicated for the offence under 302 IPC. Further, the supplementary chargesheet records that FSL has retrieved CCTV footage from 00:00:01 hrs to 02:00:00 hrs on 22nd August, 2023, and found no evidence of tampering or alteration, confirming its admissibility under Section 65-B IEA. The FSL report corroborates the presence of the Applicant at the scene of the incident.

3. Counsel for the Applicant, seeking regular bail of the Applicant, makes the following submissions:

3.1. The prosecution case is false, frivolous, and concocted. There is no direct evidence linking the Applicant to the alleged offence, and the case rests entirely on circumstantial material, which does not form a complete chain. The alleged CCTV footage is blurred, with the face of the accused not visible. Even the FSL Physics Division report records only a *resemblance* and not an *identical match*, noting that out of 77 photographs and two audio-video files, only one image showed resemblance. The other FSL reports



have not yielded any incriminating material against the Applicant.

3.2. The eyewitness Muskan (PW-1), on whose account the prosecution heavily relies, has completely resiled from her earlier statement. In her Examination-in-Chief and Cross-Examination, she categorically stated that she did not witness any incident, did not know the Applicant, did not identify him, and denied seeing him quarrelling with or assaulting any elderly man. All material witnesses who have since been examined have not supported the prosecution version, thereby breaking the chain of circumstances.

3.3. The Applicant was 23 years old at the time of alleged incident and has already spent more than two years in judicial custody. Given the number of witnesses cited, the conclusion of trial will take considerable time. Thus, continued incarceration, despite the presumption of innocence, would amount to undue pre-trial punishment.

3.4. The Applicant is the sole breadwinner of his family, has no criminal antecedents, and has never been involved in any criminal activity. After completion of investigation and filing of the chargesheet, further detention serves no purpose and violates his right to life and personal liberty under Article 21 of the Constitution.

4. On the other hand, Mr. Amit Ahlawat, APP for the State, opposes the application and states that the allegations against the Applicant are grave and serious, involving the deliberate and brutal murder of the deceased by repeatedly kicking him and forcefully slamming his head on the road. The CCTV footage clearly depicts the Applicant assaulting the victim, and the FSL report corroborates his presence at the scene. Given the severity of the offence and the strength of the evidence, there exists a real risk of the



Applicant absconding or evading the legal process if released on bail.

5. The Court has considered the aforementioned facts and contentions. While it is true that the chargesheet and the supplementary chargesheet have been filed and the investigation stands concluded, the mere completion of investigation does not, *ipso facto*, entitle the Applicant to bail, particularly in light of the gravity and heinous nature of the alleged offence. The Supreme Court, in ***Bhagwan Singh v. Dilip Kumar alias Deepu alias Deepak and Anr.***⁴, emphasised that bail is a discretionary relief, to be granted or denied based on the specific facts and circumstances of each case. The relevant extracts of the aforementioned judgment are as follows:

“11. The grant of bail is a discretionary relief which necessarily means that such discretion would have to be exercised in a judicious manner and not as a matter of course. The grant of bail is dependent upon contextual facts of the matter being dealt with by the Court and may vary from case to case. There cannot be any exhaustive parameters set out for considering the application for grant of bail. However, it can be noted that:

11.1. While granting bail the court has to keep in mind factors such as the nature of accusations, severity of the punishment, if the accusations entail a conviction and the nature of evidence in support of the accusations.

11.2. Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the Court in the matter of grant of bail.

11.3. While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought to be always a prima facie satisfaction of the Court in support of the charge.

11.4. Frivolity of prosecution should always be considered and it is only the clement of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to have an order of bail.”

[Emphasis Supplied]

⁴ 2023 INSC 761.



6. At this stage, the Court cannot undertake a meticulous dissection of the evidence or adjudicate on the credibility of witnesses. Whether the prosecution witnesses have made improvements, contradictions, or whether certain witnesses have turned hostile are matters that must be appreciated by the Trial Court upon full-fledged evidence being led. Any deeper scrutiny at this stage may prejudice the trial.

7. That said, the material on record does *prima facie* disclose the involvement of the Applicant. The prosecution relies not merely on oral statements but also on electronic evidence in the form of CCTV footage retrieved from government-installed cameras and a private DVR, which captures the Applicant pushing the deceased, kicking him repeatedly, and slamming his head on the road surface shortly before he became unconscious. The FSL report confirms that the footage bears no signs of tampering and further records a resemblance between the Applicant and the individual seen assaulting the victim. The contention of the Applicant that the footage is blurred or that the match is not identical is a matter for trial and does not, at this stage, dilute the *prima facie* evidentiary value of the video.

8. The argument of the Applicant that the principal eyewitness Muskan (PW-1) has turned hostile also cannot assist him at this stage. Whether the witness turned hostile due to fear, pressure, or any other circumstances, or whether her testimony ultimately affects the prosecution case, are matters that fall squarely within the domain of the Trial Court. Hostility of a witness does not automatically obliterate other material collected during investigation, especially when independent electronic and forensic material exists.



9. The CCTV footage capturing the assault, the FSL report confirming the authenticity of the video, and the medical opinion attributing death to cranio-cerebral damage caused by blunt force impact collectively form a *prima facie* chain linking the Applicant to the incident. Considering the nature and brutality of the assault and the strength of the material presently on record, this Court finds no ground to grant bail at this stage.

10. With the above direction, the present application is disposed of along with pending application(s), if any.

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

SANJEEV NARULA, J

DECEMBER 11, 2025/MK