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

+ BAIL APPLN. 780/2026

ROHIT KUMAR @ SAGAR

.....Applicant

Through: Mr. Nazim Salam, Mr. Aman Akhtar, Mr. Shoaib Ikram and Mr. Aryan Mavi, Advs.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for the State with Ms. Upasna Bakshi and Ms. Divya Bakshi, Advs. alongwith Insp. Faizan Ghani, SI Pankaj Kumar, PS Jyoti Mr. Anuj Kapoor, Adv. (DHCLSC) with Mr. Nandeesh Nanda and Mr. Shivam Sethi, Advs. for complainant

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

18.05.2026

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1. By virtue of the present application under *Section 483* read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks regular bail in FIR No.346/2023 registered at PS.: Jyoti Nagar under *Sections 302/102B/201/34* of the Indian Penal Code, 1860 (**IPC**).

2. As per FIR, upon intimation, the Investigating Officer (**IO**) reached the spot whereby the victim (**now deceased**) had already been taken to the Hospital, where, the brother of deceased (**complainant**), who had witnessed the incident, revealed that a few days before, he saw the



accused persons having an altercation with the deceased *qua* some money which was not returned by him. Pursuant whereunto, the accused persons had threatened to kill the deceased. Subsequently, on the day of incident, the complainant saw one of the co-accused person holding the deceased and another wielding a knife. Since the complainant shouted for help, all of the accused persons fled therefrom.

3. This Court has heard learned counsels for the applicant and the complainant, as also learned APP for State, who has also handed over the Status Report, which is taken on record.

4. In this factual backdrop, learned counsel for the applicant has primarily addressed arguments on the basis of *alleged* inconsistencies in the Statement(s)/ Deposition(s) of the witnesses *qua* the presence and involvement/ role of the applicant. Going into the evidence itself means that a trial is indeed required. Moreover, as per trite law, the same itself is something which, unless there is a case made out, cannot be gone into by this Court in the present application wherein the applicant is seeking grant of regular bail. This Court is to assess and form an opinion on the basis of the material on record i.e. whether a *prima facie* case exists disclosing the involvement of the applicant. There is nothing which calls upon this Court to go into the evidence recorded, be it *qua* the role/ involvement of the applicant or the issue of prior enmity and common intention.

5. *De hors* the fact that the applicant has been in judicial custody since 18.05.2023 and *six* out of *twenty-eight* witnesses have been examined, it is not in dispute that the CCTV footage shows the presence of the applicant at the time of incident where he is shown holding/ gripping/ securing the deceased whilst the co-accused person stabbed him.



6. Thus, taking a cumulative view of the facts and circumstances involved, the present regular bail application is dismissed.

7. Needless to say, expression of view(s) on the merits, if any, are solely for the purposes of adjudication of the present application and shall have no bearing on the overall case/ trial involved.

SAURABH BANERJEE, J.

MAY 18, 2026/rr