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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.04.2026

+ **BAIL APPLN. 890/2026**

SUNIL @ SONU

.....Petitioner

Through: Mr. Shrikant Sharma and Mr. Rishu
Lal Karan, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Inspector Anil Kumar

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 873/2021 of Police Station S.P. Badli for offence under Section 302/34 IPC.
2. Broadly speaking, prosecution case is that on the fateful day, the accused Hukum Chand called the deceased Abhishek under the pretext of returning the money borrowed from the deceased. Once the deceased reached the spot, the accused Hukum Chand and the present accused/applicant as well as co-accused Harish and Meena assaulted the deceased with cricket bat and *danda* causing fatal injuries. The FIR was registered on the complaint of the alleged eye witness Ankush.

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3. It is contended by learned counsel for accused/applicant that there is no evidence to keep the accused/applicant in jail any further since Ankush has not supported prosecution case during his testimony before the trial court. The accused/applicant is in custody since 21.11.2021.

4. Learned APP for State assisted by IO/Inspector Anil Kumar submits that the alleged incident of assault was captured in CCTV, which clearly depicts the deceased in blue T-shirt accompanied with the accused persons (*the present accused/applicant is wearing red-black T-shirt*). Therefore, the according to prosecution, merely because Ankush did not support prosecution case, the accused/applicant cannot be granted bail keeping in mind severity of the offence as well as recovery of the *danda* and mobile phone of the deceased at the instance of the accused/applicant.

5. On last date, it was recorded that the alleged eye witness Manjeet had not been appearing before the trial court. But today it is informed by both sides that after last date of hearing, Manjeet appeared as PW13 before the trial court but did not support prosecution case.

6. PW Ankush was examined before the trial court on 29.11.2022 when he did not support prosecution case. But till date, admittedly, no perjury proceedings have been initiated against him by prosecution side. Now the other alleged eye witness Manjeet also has not supported prosecution case. Further, it is submitted by learned APP for State that three more persons namely Vinay, Rahul and Dev Narayan alleged to be eye witnesses have not supported prosecution case. There is no other eye witness.

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7. So, currently the vital piece of evidence, on the basis whereof the accused/applicant is sought to be kept in jail is the CCTV footage. The IO has played that CCTV footage in the courtroom. For present purposes, suffice it to record that the same does not depict face of the accused/applicant or the deceased. The CCTV footage depicts few persons carrying a bat and *danda* walking along the road with their back towards the CCTV camera. The alleged assault is not visible in the CCTV frame.

8. Considering the overall circumstances, as described above, I do not find any reason to further deprive liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

9. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

10. Of course, nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.

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(JUDGE)

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