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

+ **BAIL APPLN. 998/2026**

TARUN

.....Applicant

Through: Mr. Anirudh Yadav, Mr. Jitender
Gupta and Mr. Deepak Rohilla,
Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP with
Mr. Aditya Vikram Singh, Ms.
Upasana Bakshi, Mr. Gourav Singh
and Ms. Nikita, Advs. with Insp.
Surender Kr., PS: Chhawla
Mr. Sarthak Karol, Standing
Counsel (DHCLSC), Ms. Neelakshi
Bhadauria, Mr. Shashank Sharma,
Advs. for kith and kins of deceased
Mr. Mukesh Kr. Sharma, Ms.
Vishakha, Ms. Anjali and Mr. S.
Ishwarya, Advs. for Complainant

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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12.05.2026

1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of regular bail in proceedings arising out of FIR No.49/2024 dated 02.02.2024 registered at PS: Chhawla under *Sections 365/302/201/120B/34* of the Indian Penal Code, 1860 (*IPC*).
2. *Succinctly put*, as per prosecution, a missing report was filed by the complainant on 01.02.2024 since he was unable to locate his younger



brother/ Akash Pandir who had gone to the gym on the previous day, i.e. 31.01.2024 at about 06:00PM and not returned home since. Upon checking the nearby CCTV footages, Akash Pandir was seen being forcibly removed from his motorcycle and taken away in a car by three people. Thereafter on 03.02.2024, one burnt dead body was found in Bulandshahr, U.P., which was identified as Akash Pandir by the complainant and his family. During the course of investigation, on the basis of the CCTV footages, the applicant herein and the other accused persons, who are all relatives of the complainant, were arrested on 08.02.2024.

3. In these facts, learned counsel for the applicant primarily submits that the applicant is a law-abiding citizen who has been wrongly implicated in the present case at a later point of time as he has not even been named in the FIR. He further submits that the FSL Report of the CCTV footages shows that facial recognition could not be carried out due to low pixel resolution, as also the identity of the dead body is disputed based on the age, height, time of death, etc.. Hence, as per him no case is made out against the applicant and he ought to be enlarged on bail.

4. *Per contra*, learned APP for State submits that the applicant can be clearly seen in the CCTV footages alongwith two other persons abducting Akash Pandir and putting him in an *Alto* car, wherein he has even been unambiguously identified by the complainant in his testimony before the learned Trial Court, and, in fact, the said *Alto* car has been recovered at his instance. He further submits that the CDR of the applicant also places him at the scene of the abduction at the relevant time period alongwith the two other persons seen on the CCTV footages. He, therefore, submits that



there is every reason to believe it was indeed the applicant who undertook an active role in the commission of the offence. He lastly submits that the trial is at a critical stage where key witnesses are remaining to be examined and release of the applicant on bail could prejudice the same.

5. Learned counsel for the complainant has handed over a copy of written synopsis, which is taken on record. Based thereon and supplementing the arguments of learned APP, he submits that the present is a premeditated and conspiratorial case of heinous murder and burning that too as a result of prior enmity between the relatives, which is evident from the earlier FIR lodged by the applicant's family against the complainant's family thus showing clear motive. He further submits that only 1 out of 25 witness of the prosecution has been examined so far, and there is every likelihood of the applicant engaging in witness intimidation and/ or evidence tampering if the present application is allowed.

6. Heard and perused the record.

7. The allegations involved herein are grave and heinous in nature. In fact, a bare perusal of the material on record *prima facie* shows involvement of the applicant, that too in a central role, considering the CCTV footages as also the recovery of the vehicle involved. Regarding the grounds urged by the applicant to controvert the same, needless to say, this Court is in the midst of an application whereby the applicant is seeking grant of regular bail, whence matters of evidentiary values, and/ or those engaging questions of trial are best left open and ought not to be gone into. As such, issues qua physical details of the dead body, threadbare analysis of the FSL Report, or like, which are trivial need not



be adverted to at this stage. Today, based on the materials on record, there is cogent material to indicate a strong case against the applicant.

8. Further, the trial is at a nascent stage, with only 1 out of 25 prosecution witnesses so far examined. The same, coupled with the history of FIRs between the relatives as also the proximity *inter se* the parties and their families involved, as well as considering the manner of commission of the present offence, the possibility of the trial being derailed, witnesses being tampered with by subjecting them to fear/ threat/ harm/ intimidation and the hampering of evidence compromised cannot be ruled out at this stage.

9. Therefore, taking a cumulative view of the overall facts and circumstances involved, especially the nature of the offence, the role of the applicant and the *prima facie* case against him, the stage of the trial and the proximity with the complainant, this Court does not see a fit case for granting him bail at this stage.

10. Accordingly, the present application is dismissed.

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

SAURABH BANERJEE, J

MAY 12, 2026/So