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

+ **BAIL APPLN. 1264/2026**

SOURABH

.....Petitioner

Through: Mr. Aditya Dhawan, Ms. Kiran
Dhawan, (through VC), Mr. Anshul
Pratap Singh, Mr. Tushar Bukkle, Mr.
Anirudh Negi, Mr. Aditya Gupta, Mr.
SM. Adnan Hussain, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State.
SI Sachin Rathee, D-3363, PS
Mukherjee Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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01.06.2026

1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS, 2023 seeks the following prayers: -

“a. Allow the present Application and thereby grant Regular Bail to the Applicant in connection with the FIR bearing no. 154/ 2025 registered by P.S. Mukherjee Nagar, Delhi, upon such terms and conditions as this Ld. Court shall; deem fit and proper in the interest of justice.

b. Any other and/or further reliefs be granted as this Ld. Court shall deem fit and proper in the interest of justice subject to the nature;/



and circumstances of the present matter.”

3. The case of the prosecution, as per the status report placed on record, is that on 08.03.2025 at about 04:56 A.M., a PCR call was received at Mukherjee Nagar, Police Station *vide* DD No. 24A that, a person has fallen down from the roof and blood is oozing out. As per the case of the prosecution, the concerned staff reached the spot, *i.e.*, H. No, 1041, Mukherjee Nagar, and it was found that the PCR had already rushed the injured person (deceased) to the concerned hospital. Subsequently, on 09.03.2025, on the statement of the complainant-Sh. Amit Kumar, the present FIR No.154/2025 was registered at P.S. Mukherjee Nagar, Delhi, under Sections 110/333/3(5) of the BNS. On the same date, *i.e.*, 09.03.2025, an information was received regarding the death of the injured-Dinesh (now deceased), and subsequently, after the post-mortem was conducted, Section 105 of the BNS was added in place of Section 110 of the BNS.

4. As per the statement of the complainant, the deceased, *i.e.*, Dinesh @ Bachchi had come to his PG, *i.e.*, H No. 1041, Ground Floor, Mukherjee Nagar, Delhi, and he was in extreme fear and requested the complainant to save him as the present applicant and his friends were desperately searching for him. The complainant further stated that he locked his PG room from outside and entered from another gate. It is further stated by the complainant that the deceased, *i.e.*, Dinesh, requested the complainant not to tell about him, in case they (the applicant and his friends) reach the PG, and went towards the stairs saying that he would save himself by crossing over to the other roof. Subsequently, it is stated that the present applicant along with his associates came to the aforesaid PG, and searched for the deceased. It is also stated that



they had threatened the complainant with dire consequences, if he tried to save the deceased.

5. In the supplementary statement dated 09.03.2025, the complainant further stated that the present applicant along with his associates had searched for the deceased, and after exiting from his room they went towards the roof looking for the deceased, *i.e.*, Dinesh.

6. During the investigation, by way of statement of one witness-Neeraj, it has come on record that prior to the deceased coming to the complainant's room/PG, there was a dispute that had occurred between the present applicant and the deceased, and after that the present applicant called the concerned person (Deepak Dhull), whose bike was being used by the deceased, as he was known to the applicant, and the applicant told said person (Deepak Dhull) that his friend (deceased) is messing with the wrong person.

7. During the course of the investigation, the statement of the owner of the bike namely Deepak Dhull was also recorded who stated that the applicant had called him and told him about the incident. Then, Deepak further spoke to the deceased *i.e.*, Dinesh, and told the latter that the present applicant was in extreme rage and he should leave from there.

8. As per the statement of witnesses, it has come on record that the applicant was carrying an “ice picker” and was searching for the deceased along with his accomplices for over 2 hours at various locations in order to teach him a lesson. The said statements as per the case of the prosecution were also supported by CCTV footage of the area.

9. The prosecution further relies on a statement of one witness namely, Ankit @ Shastri who lived in same flat that of the deceased *i.e.*, Dinesh, wherein, he had stated that the applicant along with his accomplices had



entered into the PG of the complainant, *i.e.*, Amit, at about 04:00 A.M., and moments later, the deceased was found lying in a pool of blood due to falling from PG.

10. Learned counsel appearing on behalf of the applicant submits that the charge-sheet has been filed, and the investigation is complete. He further submits that there is no further evidence on record to show that the deceased had fallen from the roof on account of any overt act of the present applicant. It is pointed out that the other co-accused persons have either been given anticipatory bail by learned Coordinate Bench(es) this Court as well as the Hon'ble Supreme Court. He further pointed out that the CCTV footage of the PG accommodation in which the applicant is alleged to have entered along with his associates does not show that he was carrying any “ice picker” or for that matter any weapon.

11. *Per contra*, learned APP for the State submits that the role of the present applicant is distinct from the other co-accused persons, and as the present applicant was the one who had fought with the deceased and taken the aggressive lead for his search, and had deliberately pursued him to the PG. It is further submitted that the present applicant has three (3) other previous involvements involving serious offences. Prosecution apprehends that if the applicant is released on bail, he may threaten the complainant as well as the main witnesses.

12. Heard the learned counsel for the applicant as well as learned APP for the State and perused the records.

13. Evidence placed on record by prosecution, *prima facie*, shows that the applicant indeed had entered the PG accommodation, *i.e.*, H No. 1041, Ground Floor, Mukherjee Nagar, Delhi, while looking for the deceased. The



supplementary statement dated 09.03.2025 of the complainant-Amit Kumar has also been perused by this Court. In the supplementary statement, it has stated by the complainant that the present applicant had entered into the PG accommodation, and when he did not find the deceased there, they (accused persons in the present FIR) had proceeded towards the roof.

14. The contention of learned counsel for the applicant that the deceased had fallen on account of the fact he was jumping from one roof to the other is also based on the statement given by the complainant that the deceased had intended to do so; therefore, whether the death of the deceased, *i.e.*, Dinesh, was on account of jumping from one roof to the other cannot be presumed. However, the fact remains that the applicant had in his pursuit of the deceased gone to the roof top at the relevant point in time. The time of DD entry, and death of the deceased as shown in the post-mortem report also corresponds with the statement of the witnesses.

15. Status report shows that the applicant has been involved in previous FIRs. The details of the same are as under: -

- i) FIR No. 858/2023, registered at P.S. Keshav Puram, under Sections 325/147/148/149 of the IPC;
- ii) FIR No. 476/2023, registered at PS Mukherji Nagar, under Sections 307/452/120B/147/148/149/34 of the IPC;
- iii) FIR No. 1008/2024, registered at PS Mukherji Nagar, under Sections 308(2)/ 351(3)/61(2)/3(5) of the BNS;

16. In these circumstances, this Court is of the considered opinion that the complainant and other witnesses should be examined before the learned Trial Court, before the present applicant is considered for being released on bail.

17. In the totality of the facts and circumstances of the case, the present



application is dismissed and disposed of.

18. Pending applications, if any, also stand disposed of accordingly.

19. Needless to state that, nothing mentioned hereinabove is an opinion on the merits of the case, and any observations made herein are only for the purposes of the present application.

20. Copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.

21. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J
(VACATION JUDGE)

JUNE 1, 2026/kr/ns