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

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*Judgment reserved on: 15.12.2025**Judgment delivered on: 23.01.2026*+ **BAIL APPLN. 1198/2025**

NAVEEN SHOKEEN

....Petitioner

Through: Mr. Piyush Chhabra, Mr. Komal
Bhargava and Mr. Gopal Sharma,
Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State

CORAM:**HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J**

1. The present petition has been filed seeking bail in connection with FIR No.53/2019 under Sections 365/302/201/120B IPC registered at P.S. Baba Haridas Nagar, Delhi.
2. The case of the prosecution as borne out from the status report dated 08.10.2025 filed by the State is that co-accused Vidhan along with co-accused Neeraj and accused Naveen [petitioner herein] were present at Dichaon Kalan Bus Stand, Najafgarh where they consumed alcohol.
3. The co-accused Neeraj had given his motorcycle to Vidhan while he took Maruti Eco Van of Vidhan, as he had to go to a marriage function. Thereafter, Neeraj left for his home.
4. In the meanwhile, co-accused Vidhan had seen Komal Sangwan (deceased) near one e-rickshaw at the Dichaon Stand, who was known to

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him. He asked Naveen to wait till he dropped her at her house. Komal Sangwan had boarded the e-rickshaw and Vidhan chased the e-rickshaw on Neeraj's motorcycle. On the way, Vidhan stopped the e-rickshaw and Komal sat on her motorcycle.

5. Thereafter, he took her to his fields behind Nand Vatika on the pretext of closing the tubewell, where he tried to rape her but when Komal resisted, he tied her mouth with her stole and thereafter contacted Naveen and Neeraj at their mobile numbers from his mobile phone and asked them to come at the spot. They reached the spot in the Maruti Eco van of Vidhan. Thereafter, they all tried to rape Komal. She hit a punch at Vidhan's nose resulting in bleeding from his nose and when she started shouting, he strangulated her while Naveen and Neeraj held her hands.

6. It is further the case of prosecution that Vidhan damaged Komal's mobile and threw it inside a well situated in his field. It is also alleged that Naveen switched off Komal's mobile phone and handed over to Neeraj, and Neeraj fled from the scene on Bajaj motorcycle. Thereafter, Vidhan and Naveen put the dead body of Komal inside the Eco-van and reached Jhajjar (Haryana) to dispose of the dead body.

7. They reached at village Jhajjar and took Rs.1,000 cash for fuel from Bijender @ Dheela i.e. *mama* of Vidhan's friend. After that they reached Dhedi-Talav Road, where they took out the dead body of Komal and removed all her clothes to hide her identity and threw her naked body into a well and drove back to Delhi.

8. Mr. Piyush Chhabra, learned counsel appearing on behalf of the petitioner submits that the present case is based on circumstantial evidence



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and there is no eye-witness in the present case, who had seen the petitioner assisting main accused Vidhan in the commission of offence.

9. He refers to the testimony of PW10/Bijender, to contend that Vidhan along with one more person had gone to his house on 17.01.2019 to ask for money to the tune of Rs. 2,000/- to Rs. 3,000/- for purchase of fuel as they were not having fuel in their vehicle and he had given Rs.1,000/- to Vidhan, but he could not identify the other person accompanying him on account of lapse of time.

10. He also refers to the testimony of PW-13/Vijay Puniya, to contend that the said witness was cited by the prosecution for identification of co-accused Vidhan and Naveen from the CCTV footage taken by police from Gautam Cosmetic and Medical shop. However, the said witness stated that he does not know accused Vidhan and Naveen.

11. Referring to the status report, he submits that the FSL report also shows that DNA profile of the blood sample of the accused Vidhan matched with DNA profile with that of nail clippings of the deceased. However, there is no similar scientific evidence available to establish petitioner's involvement in the commission of offence.

12. He further contends that the only other incriminating material against the petitioner is in the form of recovery of clothes and other belongings of the deceased, as well as, the CDR of the mobile numbers of co-accused Vidhan and the present petitioner.

13. He submits that recovery is not a substantive piece of evidence. Likewise, CDR can be used, only for corroboration. Further, the case of the prosecution is that there are 24 incoming/outgoing calls between the mobile



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numbers of Vidhan and Naveen, which itself shows that they were only talking over phone, therefore, it cannot be said that they were present together at the time of commission of offence as projected by the prosecution. Thus, the CDRs do not conclusively establish petitioner's presence at the time of incident.

14. He further invites attention of the Court to the nominal roll of the petitioner, to submit that as on 09.05.2025, the custody of the petitioner was 05 years, 07 months and 02 days, therefore, the petitioner has already been incarcerated for a period of more than 06 years and 02 months.

15. He further contends that the prosecution has cited as many as 54 witnesses and good number of witnesses are yet to be examined, therefore, the conclusion of trial will take some time.

16. He further submits that the co-accused Neeraj Nara, who has been ascribed similar role has been granted bail by this Court *vide* order dated 25.11.2024 passed in Bail APPLN. 3696/2024, after completion 03 years 05 months of custody.

17. *Per contra*, Ms. Manjeet Arya, learned APP appearing on behalf of the State has argued on the lines of the status report. She submits that co-accused Neeraj has been granted bail having regard to his satisfactory conduct and on medical grounds, therefore, the petitioner cannot claim parity with co-accused Neeraj Nara.

18. She further contends that the evidence against the petitioner is available in the form of recovery of articles belonging to the victim and CDR connectivity.



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19. She further submits that witness Vijay Punia (PW-13) had identified the petitioner and co-accused Vidhan in the CCTV footage collected by the I.O. from Gautam Cosmetics and Medical Shop, Dichaon Stand, Najafgarh as stated by him in his statement under 161 Cr.P.C.

20. She further contends that the offence with which the petitioner has been charged is serious and the bail should not be granted to him. She further points out that the petitioner was released on interim bail on 08.06.2021 for a period of 90 days under HPC Guidelines and during the said period, he was arrested in connection with another FIR No.611/2021 under Section 307 IPC registered at P.S. Baba Haridas Nagar, Delhi.

21. She, thus, urges that the bail application of the petitioner should be rejected.

22. I have heard learned counsel for the petitioner, as well as, the learned APP for the State, and have perused the material on record.

23. The case of the prosecution hinges on circumstantial evidence and it is not based on any eye-witness account. The circumstances which have been pressed against the present petitioner are in the form of CCTV footage; recovery of articles belonging to the deceased; the CDR reports; and the statements of two witnesses – (i) Bijender, and (ii) Vijay Puniya.

24. Though the probative value of the above circumstantial evidence will be seen by the Trial Court at the appropriate stage of trial, however, for the limited purpose of deciding the present bail application, this Court notes that the CCTV footage does not capture the commission of crime. The prosecution is relying on the said CCTV footage, to establish the circumstance that the petitioner was present along with main accused



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Vidhan at Gautam Cosmetics and Medical Shop of Vijay Puniya on the date of incident, and the accused Vidhan left on motorcycle whereas Naveen (petitioner) remained there, who left later in Eco Van towards Dichon Village. For the purpose of identification of the accused persons in the CCTV footage, the prosecution also examined Vijay Puniya as PW13.

25. PW13/Vijay Puniya in his testimony has, however, stated that he does not know accused Vidhan and Naveen (petitioner). He also failed to identify the said accused persons in the Court. He also denied having stated to the police that the persons seen standing outside his shop in the CCTV footage are the aforesaid two accused persons. He also denied that the person who sat in Eco Van was Naveen.

26. Furthermore, the testimony of Bijender @ Dheela, who was examined as PW-10, also shows that he could only identify Vidhan who had visited his house to borrow money on the date of incident. With regard to the other person who was accompanying Vidhan, he stated that he cannot identify him due to lapse of time, even when the petitioner was shown to him Court.

27. Though evidence need not be commented upon at this stage as the probative value of the evidence and credibility of the prosecution's witnesses will be seen at the trial, but above testimonies of PW10 and PW13, clearly tilt the balance in favour of the petitioner for grant of bail.

28. That apart, the case of the prosecution is that it is the main accused Vidhan who had taken the deceased on his motorcycle to his fields where the alleged offence was committed. Even the FSL report shows DNA profile of blood sample of co-accused Vidhan matched with the DNA profile of nail clippings of the deceased, which can be pressed only against co-accused



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Vidhan and there is no similar scientific evidence available against the petitioner herein.

29. Insofar as the recovery of clothes and other belongings of the deceased allegedly recovered at the instance of the petitioner are concerned, suffice it to say that such recovery can be used only for corroboration and is not a substantive piece of evidence.

30. As regards the CDRs pressed into service by the prosecution to allege that on the date of incident i.e. 17.01.2019, there are total 20 incoming/outgoing calls between the mobile numbers of co-accused Vidhan and the present petitioner, there appears to be some merit in the submission of learned counsel for the petitioner that such calls made between Vidhan and the present petitioner shows that they were not present at the same location. Had that been so, there was no occasion for them to have spoken to each other on mobile. In any case, CDR is not a substantive piece of evidence and can be used only for corroboration and its evidentiary value will be seen by the learned Trial Court in the light of other evidence during trial.

31. Besides that, this Court also notes that the nominal roll placed on record suggests that the petitioner has been incarcerated for more than 06 years and 02 months.

32. Insofar as the submission of learned APP that the petitioner was arrested in connection with another case FIR No.611/2021 under Section 307 IPC while he was on interim bail for 90 days is concerned, this Court on perusal of nominal roll, finds that the petitioner has been released on bail in the said case.



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33. The nominal roll also reveals petitioner's involvement in two other cases, but again he has already been granted bail in the said two cases as well. The law is also well settled that involvement of an accused in other cases cannot be the sole basis for rejection of his bail.

34. That apart the prosecution has cited as many as 54 witnesses and majority of the witnesses are yet to be examined, therefore, the conclusion of trial will take long time, and in the given circumstances when the petitioner has already been incarcerated for 06 years and 02 months, it will not be justified to keep the petitioner incarcerated to await the outcome of trial. However, to ensure the presence of petitioner during trial appropriate conditions can be imposed.

35. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case of regular bail.

36. Accordingly, the petitioner is admitted to regular bail subject to his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

- (a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- (b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- (c) Petitioner shall not tamper with evidence or communicate with or come in contact with witnesses.



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- (d) The petitioner shall report on 1st and 3rd Saturday of every month to the IO concerned for marking of his presence. In the event the IO is not available in the police station, the petitioner may mark his presence by making video call to the IO from the police station. The IO is directed to allow the petitioner to leave immediately after marking his presence and he shall not be detained unnecessarily.
37. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.
38. The petition is disposed of.
39. Copy of this order be given *dasti* under the signatures of Court Master.

VIKAS MAHAJAN, J**JANUARY 23, 2026**

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