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

+ **BAIL APPLN. 1670/2026**

SHER SINGH RAWAT

.....Petitioner

Through: Mr. Nishit Kush, Mr. Shyam Sunder Sharma, Mr. Sanjeev Kr Baliyan, Mr. Nirbhay Sharma, Mr. Yash Yadav and Ms. Himanshi, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State with Mr. Rohan Mittal and Mr. Rohan Bhati, Advs. with Inspector Nagender Nagar and Inspector Surtanand.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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30.04.2026

CRL.M.A. 13446/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 342/2022, registered at Police Station Saket, Delhi, for the commission of offences punishable under Sections 302/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').
4. Briefly stated, the case of the prosecution is that on 24.08.2022, the



deceased Arvind Sah, who had not returned home from work, was later found lying unconscious near Mother Dairy booth, Sector-4, Pushp Vihar, and was declared brought dead at hospital. Initially, no eye-witness account was available, and inquest proceedings were conducted. Subsequently, the complainant alleged that, upon making local enquiries, it had come to light that on the intervening night of 24/25.08.2022, the present applicant Sher Singh Rawat, along with co-accused Ritik @ Anshul and others, had assaulted the deceased on the road.

5. During investigation, statements of alleged last-seen witnesses were recorded, who stated that the applicant and co-accused had quarrelled and scuffled with the deceased while under the influence of alcohol. One delivery boy had also claimed to have seen two persons beating the deceased and later identified the applicant. CCTV footage had purportedly shown the presence of the applicant and co-accused at the spot, and that they had taken the deceased towards the place where he was later found. The post-mortem report had opined that the death was caused due to shock and haemorrhage consequent to multiple injuries, including rib fractures. On these allegations, the applicant and co-accused were arrested and charge-sheeted for offences punishable under Sections 302/34 of IPC. The trial is stated to be in progress.

6. The learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the present case. It is argued that the applicant has been in judicial custody for about four years and has no previous involvement in any other criminal case. It is further contended that all the material witnesses have already been examined and three alleged eye-witnesses have turned hostile and have not supported the case of the



prosecution. It is also submitted that PW-1, being the brother of the deceased, is an interested witness. On these grounds, it is prayed that the applicant be granted regular bail.

7. The learned APP for the State argues that the allegations against the applicant are serious and grave in nature, involving the offence of murder. It is submitted that the applicant, along with co-accused persons, had assaulted the deceased, which ultimately resulted in his death. It is further submitted that the post-mortem report corroborates the prosecution case regarding the nature of injuries suffered by the deceased. However, it is not disputed that the three alleged eye-witnesses have turned hostile and have not supported the case of the prosecution.

8. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material available on record.

9. After hearing the arguments and perusing the material on record, this Court is of the opinion that it is not disputed that the three eye-witnesses, examined as PW-5, PW-6 and PW-7, have turned hostile and have not supported the case of the prosecution, stating that they did not witness the incident. PW-1, the brother of the deceased, has broadly supported the prosecution case; however, he already stands examined. Nine prosecution witnesses are yet to be examined. The applicant has been in judicial custody for the last three years and eight months.

10. Considering the overall facts and circumstances of the case, this Court is inclined to grant regular bail to the applicant, subject to his furnishing a personal bond in the sum of ₹15,000/- with one surety of the like amount, to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned, on the following terms and conditions:



- i) The applicant shall not leave the country without prior permission of the concerned Court and if he has a passport, he shall surrender the same to the concerned trial court.
 - ii) The applicant shall share his contact details (mobile numbers and residential address) with the IO/SHO and the Trial Court; and in case of any change in the said details, the applicant shall promptly inform the same to the concerned Court and the concerned IO/SHO.
 - iii) The applicant shall appear before the Trial Court on every date of hearing unless exempted;
 - iv) The applicant shall not indulge in any criminal activity;
 - v) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
11. Accordingly, the present bail application stands allowed and is disposed of.
12. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 30, 2026/zp
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