



2026:DHC:2353



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

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Date of Decision: 20.03.2026+ **BAIL APPLN. 1944/2025****ROHIT MALHOTRA**

.....Petitioner

Through: Mr. Dhruv Bhagar, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with IO/Inspector Mukesh Kumar
Mr. Sudhanshu Sikka, Advocate for
R2**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.515/2024 of PS Uttam Nagar for offence under Section 103(1)/333/238(a)/3(5) of BNS.

1.1 This regular bail application came up for the first hearing on 20.05.2025 before the predecessor bench and thereafter continued getting adjourned before different benches. Along with 179 such old pending bail applications, this application also was transferred to this bench.

1.2 Today is the first hearing before me. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/Inspector Mukesh Kumar and learned counsel for complainant *de facto*.

*BAIL APPLICATION 1944/2025**Page 1 of 4 pages*



2026:DHC:2353



2. Broadly speaking, the prosecution case is as follows. On 01.11.2024, a PCR call by way of GD No. 53A was received at PS Uttam Nagar in which it was reported by the caller that some boys stabbed a person in the locality. That information was marked to SI Vikas Kumar who reached the spot and came to know that the injured Gagan Oberoi had already been taken to the hospital. After taking necessary steps through the mobile Crime Team *qua* inspection and photography of the spot, the IO visited the hospital and collected MLC. The injured Gagan Oberoi succumbed during treatment. In the course of investigation, the alleged eye witness Sanjay Bidlan informed that on the night intervening of 31.10.2024 and 01.11.2024, the deceased was assaulted by Pradeep@ Monu Nag alongwith one Kaku and the present accused/applicant. The IO got recorded the statement of Sanjay Bidlan under Section 183 BNSS before the concerned magistrate.

3. Learned counsel for accused/applicant submits that he has been falsely implicated in this case because in the initial statement on the basis whereof FIR was registered, Sanjay did not name the accused/applicant as one of the assailants. It is submitted that statement of Sanjay Bidlan under Section 183 BNSS was procured after tutoring him. It is further submitted by learned counsel that there are as many as eight alleged eye witnesses and their testimony remains to be recorded while the accused/applicant is in jail since 30.11.2024. It is also submitted that except the accused/applicant, all other co-accused persons are history-sheeters and the accused/applicant was arrested one month after the alleged murder without there being any claim of the IO that he had fled. Except clothes and mobile phone, nothing was



recovered from the accused/applicant and even those clothes are not blood stained.

4. Learned APP for State and counsel for complainant *de facto* have taken me through the statement under Section 183 BNSS of the alleged eye witness Sanjay Bidlan, contending that the present accused/applicant is liable under Section 34 IPC, though the actual stabbing was done by co-accused Monu Nag. Learned APP for State submits that if granted bail, the accused/applicant would try to influence Sanjay Bidlan. Further, it is also contended that the presence of the accused/applicant is clearly depicted in the CCTV footage of the spot.

5. As mentioned above, presence of the accused/applicant is allegedly depicted in the CCTV footage of the spot. Merely because in his first information statement, Sanjay Bidlan did not name the accused/applicant, at least for present purposes, that is not significant because in his statement under Section 183 BNSS the eye witness Sanjay has specifically named the accused/applicant as a person accompanying the actual stabber. The alleged incident of stabbing took place at about 02:15am when the assailants including the accused/applicant allegedly with common intention entered the house in which the deceased was sitting with his friends including Sanjay. As further mentioned above, Sanjay is yet to be examined in trial.

6. Considering the above circumstances, I do not find it a fit stage to grant bail to the accused/applicant. Therefore, the bail application is dismissed.



2026:DHC:2353



7. Of course, nothing observed in this order shall be read to the prejudice of either side at the stage of final arguments after trial and at that stage, the trial court shall take independent view on the basis of evidence adduced.

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

**GIRISH
KATHPALIA**

Digitally signed by GIRISH KATHPALIA
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**GIRISH KATHPALIA
(JUDGE)**

MARCH 20, 2026/as