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

\# **CNR No. DLHC010384582026**

\+ BAIL APPLN. 3398/2026 & CRL.M.A. 29000/2026

ARMAN .....Petitioner

Through: Mr. Vimal Tyagi and Mr. Vipin Kumar, Advocates.

versus

STATE GOVT OF NCT OF DELHI .....Respondent

Through: Mr. Shoaib Haider, APP for the State with SI Ashok Kumar, PS Nihal Vihar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 02.11.2026

1. The Applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with FIR No. 208/2025, registered at P.S. Nihal Vihar, Delhi, initially under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023. Section 238 was subsequently added during the investigation. He was arrested on 15th March, 2025, and has remained in custody since then. The chargesheet has been filed and the case is pending trial.

2. The prosecution case arises from the discovery of an unidentified male body at Mangochar DDA Park, Nihal Vihar, on the morning of 4th March, 2025. The deceased had sustained extensive injuries to his head and face, allegedly inflicted with a stone. The post-mortem report attributes the

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death to craniocerebral damage caused by blunt-force impact upon head. The prosecution alleges that the Applicant was responsible for the assault.

3. The case rests on circumstantial evidence, principally CCTV footage said to show the Applicant riding an electric scooter with the deceased as a pillion rider between 1:40 a.m. and 1:46 a.m. on 4th March, 2025. According to the prosecution, two police personnel identified the Applicant from the footage on account of their previous acquaintance with him. The prosecution also relies upon the recovery of a Zepto electric scooter at the Applicant's instance, apparent bloodstains found on its footboard, a tuft of hair recovered from the place of occurrence, and mobile-phone location records indicating the presence of a phone used by the Applicant in the vicinity at the relevant time. The FSL reports concerning the seized exhibits are still awaited.

4. Counsel for the Applicant submits that there is no eyewitness to the alleged murder and that the CCTV footage does not clearly establish the identity of either person travelling on the scooter. There has been no independent identification or scientific facial comparison. The alleged confession to the police cannot constitute substantive evidence of guilt, and the forensic material has not yet connected the Applicant with the deceased. Counsel also refers to the Applicant's young age, his permanent physical disability and the period already spent in custody. The APP opposes the application, relying upon the CCTV footage, identification of the Applicant by police personnel, recovery of the scooter and mobile-phone location records, which collectively establish a *prima facie* case against the Applicant. He further submits that the allegations are grave and, with material prosecution witnesses yet to be examined, the Applicant's release

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may prejudice the trial.

5. The record shows that the Applicant's first bail application before the Sessions Court was dismissed as withdrawn on 29th November, 2025. His subsequent application was rejected on merits on 12th March, 2026, while the third application was dismissed on 29th July, 2026, principally upon consideration of the challenge concerning communication of the grounds of arrest. This Court has considered the material placed before it, including the reasons recorded in those orders.

6. The post-mortem findings leave little doubt that the death was homicidal. The estimated time since death, recorded as approximately 11½ days at the post-mortem examination conducted on 15th March, 2025, is also broadly consistent with the prosecution's account that the incident occurred during the intervening night of 3rd/4th March, 2025. The question, however, is whether the material connecting the Applicant with the alleged assault is sufficient to justify his continued detention pending trial.

7. The CCTV footage constitutes a relevant circumstance in the prosecution case. The identification of the Applicant by police personnel claiming prior acquaintance with him cannot be discounted merely for want of a scientific facial comparison. Nevertheless, the reproduced images do not disclose facial features with sufficient clarity to enable this Court to independently ascertain the rider's identity at this stage. The basis and reliability of the identification by the police personnel must therefore await scrutiny at trial. Equally, the deceased remains unidentified, and no independent witness has identified the pillion rider as the person whose body was subsequently recovered. The footage does not depict the assault. Thus, even if the Applicant's identity as the rider is assumed for the limited

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purpose of considering bail, the footage does not, by itself, establish his involvement in the fatal assault. The significance of this footage must, therefore, be considered alongside the remaining prosecution material, bearing in mind the limited scope of examination at the stage of bail.

8. The recovery of the scooter at the Applicant's instance and the apparent bloodstains on its footboard are also relevant circumstances. Their significance, however, must be considered in light of the fact that the scooter was allegedly hired for the Applicant's delivery work and that forensic examination has yet to establish any connection between the stains and the deceased. Likewise, the tuft of hair recovered from the place of occurrence has not been scientifically attributed to the Applicant. The mobile-phone location records indicate the presence of the phone used by him in the relevant locality, but do not, by themselves, establish his participation in the assault. The forensic reports were awaited when the Sessions Court considered bail in March 2026 and, according to the latest Status Report, remain pending.

9. The prosecution also relies upon the Applicant's disclosure statement to explain the alleged quarrel and the circumstances leading to the assault. However, the narrative contained in a statement made to the police cannot be treated as substantive evidence against the Applicant. Under Section 23 of the Bharatiya Sakshya Adhiniyam, 2023, only that portion of the information which distinctly relates to a fact discovered is admissible. The alleged sequence of events, insofar as it rests on the disclosure statement, cannot therefore be relied upon independently to establish the Applicant's involvement. No independent witness to the alleged quarrel or the fatal assault has been shown on the material presently placed before this Court.

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The circumstances relied upon by the prosecution must nevertheless be considered cumulatively, rather than in isolation. At this stage, without expressing any final opinion on their admissibility or probative value, the material presently available leaves gaps in the alleged sequence that cannot be supplied merely by reference to the disclosure statement. The ultimate determination of the Applicant's culpability remains a matter for trial.

10. The Applicant was approximately 18½ years old at the time of the alleged occurrence and has undergone more than nineteen months of incarceration. The disability certificate records 74% permanent locomotor disability involving his left upper and lower limbs. His overall jail conduct is satisfactory. Although the prosecution refers to an earlier case registered when he was a juvenile, the Nominal Roll does not reflect any other pending case or previous involvement. The prosecution has cited 26 witnesses. The trial is still at the stage of prosecution evidence, which remains incomplete, and there is no indication that it is likely to conclude in the near future. There is also no specific material showing any attempt by the Applicant to influence witnesses or obstruct the proceedings.

11. Accordingly, the application is allowed. The Applicant is directed to be released on regular bail upon furnishing a personal bond of INR 25,000/- with one surety in the like amount, to the satisfaction of the Trial Court/Duty Judge, subject to the following conditions:

(i) The Applicant shall appear before the Trial Court on every date of hearing unless exempted.

(ii) He shall not contact, threaten or influence any prosecution witness, directly or indirectly, or tamper with the evidence.

(iii) He shall furnish his current residential address and an operational

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mobile number to the Investigating Officer and shall intimate any change thereof.

(iv) He shall not leave India without prior permission of the Trial Court.

12. Any misuse of the liberty granted shall entitle the State to seek cancellation of bail in accordance with law.

13. The application stands disposed of. It is clarified that nothing stated in this order shall be construed as an expression of opinion on the merits of the case, which shall be decided independently on the evidence adduced at trial.

SANJEEV NARULA, J

NOVEMBER 2, 2026/ab

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