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

+ **BAIL APPLN. 2395/2025**

SURAJ

.....Applicant

Through: Mr. Anubhav Tyagi, Mr. Hemant Kumar and Mr. Harsh Ranjan, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Satish Kumar, APP with Mr. Upasana Bakshi, Mr. Aditya Vikram Singh, Mr. Divya Bakshi and Mr. Gourav Singh, Advs.
Mr. Sarthak Karol, Adv. (DHCLSC) with Ms. Neelakshi Bhadaria and Mr. Shashank Sharma, Advs. for complainant

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
20.04.2026

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1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the applicant seeks grant of regular bail in proceedings emanating from FIR No.838/2022 dated 23.11.2022, registered at Police Station (***PS***) Bawana under *Sections 302/34* of the Indian Penal Code, 1860.

2. *Briefly put*, as per prosecution, on 23.11.2022 a PCR call was received at PS Bawana regarding a dead body. Acting thereon, the police reached the place of occurrence. On inspection of the dead body multiple



injuries were noticed on various parts, with blood oozing out from the wounds. The statement of the caller/ complainant was recorded, wherein he alleged that on the night of 22.11.2022 while returning to his home from work, he saw three boys beating a person with wooden sticks. He stated that the assailants were accusing the victim of being a habitual thief and were inciting each other to kill him. It was only after the intervention of the nearby public that the assailants fled the spot. Thereafter, on the following day, when the complainant passed through the same place, he found the said person lying dead, prompting him to call the police. Based thereon, the present FIR came to be registered.

3. During the course of investigation, all the three accused persons were apprehended at the instance of the complainant, of which, one Child in Conflict with Law (CCL), during interrogation, disclosed the entire chain of incidents and involvement of the accused persons. The sticks used for the commission for the offence and two scooties were also recovered. Moreover, the CCTV footage of the place of occurrence showing the presence of the applicant herein and the CCLs were seen beatings the deceased brutally with wooden sticks, was seized.

4. In these facts, praying for release of the applicant on regular bail learned counsel for the applicant submits that *[i]* the applicant is a young boy of nearly 27 years old, having clean antecedents, who has been falsely implicated in the present case; *[ii]* the applicant has not been named in the FIR; *[iii]* the deceased was a habitual offender; *[iv]* as per existing facts involved, *Section 302* of the IPC is not attracted; *[v]* the applicant is in custody since 24.11.2022 and investigation stands concluded with chargesheet having been filed; *[vi]* of as many as *thirty four* prosecution



witnesses, only one has been partly examined so far and thus, it is very unlikely that the trial will conclude in the near future; and lastly *[vii]* inordinate delay in conclusion of trial infringes the right of the applicant under *Article 21* of the Constitution of India, more so whence the same is attributable to the prosecution.

5. To buttress the aforesaid contentions, learned counsel for the applicant has relied upon ***Chander Singh v. State : 2024:DHC:6509-DB; Balwinder Singh v. State of Punjab & Anr : SLP(Crl.) No. 8523/2024; Sahil alias Bisnoi v. State of NCT of Delhi : 2025:DHC:6307.***

6. *Per contra*, learned APP for State relying upon the Status Report opposes the grant of bail and submits that *[i]* the nature of offence alleged is heinous in nature; *[ii]* the CCTV footage clearly shows that the applicant, along with other co-accused person were giving brutal blows to the deceased with wooden sticks; *[iii]* the trial is at initial stages, with material (eye-)witnesses yet to be examined and thus, there exists reasonable apprehension that if the applicant is granted bail, he may influence the witnesses.

7. Learned Standing Counsel appearing for the complainant has handed over the written synopsis, which is taken on record. In addition to the submissions made by the learned APP, he submits that the *[i]* eye witness/ PW1 has correctly identified the applicant during his examination-in-chief; *[ii]* as per post-mortem report, there were as many as *18 injuries* on the body of deceased, which, when combined, are sufficient to cause death in the ordinary course of nature; and lastly *[iii]* the applicant has moved the present bail application shortly after the dismissal of his earlier bail application before the learned Trial Court and



that too without any material change in circumstances.

8. Heard learned counsel for the parties and learned APP as well as also perused the record.

9. Facts disclose the active involvement of the applicant in a heinous, grave and serious brutal assault of the deceased, which ultimately resulted in his death. Moreover, as per status report, the CCTV footage from the place of occurrence *prima facie* captures the presence and involvement of all the three accused persons including the present applicant committing the offence. In fact, this Court is taken through the statement of the eye witness/ PW-1/ complainant, who has, during his examination-in-chief identified the applicant. Moreover, the murder weapon, i.e., wooden sticks, had also been recovered by the prosecution at the instance of the accused persons.

10. Under these circumstances, more so, whence the trial is still at a nascent stage and the evidence of two eye witnesses are yet to be completed and the possibility of influencing the witnesses cannot be ruled out, this Court is of the considered opinion that the present is not a fit case to release the applicant on bail, much less at this stage.

11. Insofar as the contention of the learned counsel for the applicant that the applicant be released on bail since he has been incarcerated for nearly about three years five months and only one prosecution witness has been examined that too partly, suffice is to say that long period of incarceration and unlikelihood of conclusion of trial in near future cannot itself be ground to release the applicant on bail, much less whence the applicant has been charged with grave offence like murder which is punishable with life imprisonment or even with death. Reference in this



regard may be made to the decision of Hon'ble Supreme Court in ***State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21*** wherein it has been held as under:

“19.[T]he condition laid down under Section 437(1)(i) is sine qua non for granting bail even under Section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to be enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

[Emphasis Supplied]

12. Ergo, in view of the aforesaid discussion, the present bail application is dismissed.

13. Needless to say, since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J

APRIL 20, 2026/Ab