



2026:DHC:1146



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

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Date of Decision: 11.02.2026+ **BAIL APPLN. 2481/2025**

SHUBHAM @ RITIK

.....Petitioner

Through: Mr. K. Z. Khan and Mr. Suresh
Kumar, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Inspector Braham Prakash,
Inspector Ashok Kumar and SI
Vishnu Singh, PS Badarpur.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 536/2022 of PS Badarpur for offence under Section 302/34 IPC.
2. I have heard learned counsel for accused/applicant and learned APP assisted by IO/Inspector Braham Prakash.
3. Broadly speaking, prosecution case as flowing out of the FIR registered on the complaint of nephew of the deceased is as follows. The first informant is working as a helper in the tent house run by his father. On 18.12.2022, they had installed a tent in connection with betrothal ceremony

*BAIL APPLN. 2481/2025**Page 1 of 4 pages*

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2026:DHC:1146



of a neighbour, and he was working there. That neighbour also being of the same community, relatives of the first informant except his paternal uncle (*the deceased*) also were the guests. At that time, one Shubham @ Tolu called up Kohinoor @ Chavanni over phone and there was exchange of abuses. After that, his cousin Gaurav asked the first informant to call his paternal uncle (*the deceased*). After some time, the deceased told him that Chavanni had been taught a lesson. Thereafter, at about 07:45 pm when all of them sat for dinner the deceased left the place, stating that he would return shortly. After some time, the first informant went out to call the deceased and at that time he saw Chavanni, Prashant and one more boy were assaulting the deceased; Chavanni was holding a country made pistol while Prashant and the third boy were carrying knives and were threatening to kill the deceased. After they stabbed the deceased, father of the first informant reached and shifted the deceased to hospital. The complainant *de facto* stated that he had seen all three assailants earlier also engaged in goondaism in the same colony and they had killed his paternal uncle to avenge beating of Chavanni.

4. As against the above backdrop, learned counsel for accused/applicant contends that since the FIR does not name the accused/applicant, he deserves to be released on bail. It is also contended that identity of the accused/applicant is in dispute insofar as name of the accused/applicant is only Shubham, not Ritik. It is submitted that the accused/applicant was arrested only on disclosure and was not identified by anyone even from CCTV footage of the spot.

BAIL APPLN. 2481/2025

Page 2 of 4 pages

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2026:DHC:1146



5. Learned APP assisted by IO/Inspector Braham Prakash strongly opposes the bail application on the ground that in his testimony as PW1, the first informant has supported the prosecution case and even identified the accused/applicant as the person who used knife to stab the deceased. It is also submitted that the CCTV footage was sent to FSL and genuineness of the footage has been confirmed by the FSL. It is also submitted that the blood stained knife was recovered at the instance of the accused/applicant and the FSL confirmed presence of blood of the deceased on the recovered knife. Even clothes worn by the accused/applicant at the time of the incident were recovered at his instance, according to prosecution and the CCTV footage depicts the accused/applicant wearing same clothes. Further, learned APP also points out antecedents in the form of three more criminal cases registered against the accused/applicant.

6. As regards antecedents, learned counsel for accused/applicant submits that out of those three cases, in one case the accused/applicant stands acquitted while other two are pending in which the accused/applicant has been admitted to bail.

7. Looking into the seriousness of the offence coupled with the evidence mentioned above, I do not find it a fit case to release the accused/applicant on bail. However, since the accused/applicant is in custody with effect from 22.12.2022 and prosecution submits that they need only five dates to conclude entire prosecution evidence, the learned trial court is requested to

BAIL APPLN. 2481/2025

Page 3 of 4 pages

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2026:DHC:1146



conclude the entire prosecution evidence within two months. Of course, the defence side also shall not take any adjournment before the trial court.

8. With the above observations and directions to the trial court, at this stage the bail application is dismissed. Copy of this order be sent to the learned trial court.

9. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

10. At this stage, it is informed by both sides that date before the trial court is 30.03.2026. That being so, the learned trial court is requested to prepone the date of trial according to its calendar and the period of two months to conclude prosecution evidence shall be counted from the said preponed date.

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**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 11, 2026/dr