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some fraud being played with the trial court because cross-examination of PW-16 recorded on 31.05.2025 bears the name of the cross-examiner counsel as Mr. B.S. Rana, Advocate, while Mr. Rana, Advocate had already passed away in February, 2025. This was strongly objected to by the learned counsel for accused/applicant, submitting that even the current counsel is of same name and practising in Rohini Courts. Learned counsel for accused/applicant submits that this argument was raised by the learned prosecutor only to prejudice mind of this Court.

4. Broadly speaking, according to the FIR, the deceased was assaulted by one Sumit, Shiv and two more persons. The accused Sumit was carrying a knife, while accused Shiv was holding a brick and the other two boys were carrying a brick and 'knife like' (*chaakunumma*) weapon in their hands. All four of them were assaulting one Arvind. When complainant *de facto*'s brother, deceased Keshav @ Vinod tried to intervene, he was stabbed to death by Sumit.

5. The learned trial court dismissed the bail application of the accused/applicant after taking note of the above facts and after examining the CCTV footage of the alleged incident.

6. Since the accused/applicant is not named in the FIR, learned prosecutor was called upon to show the CCTV footage in Court. But on instructions of the IO, he stated that the CCTV footage has been sent to the FSL for forensic examination. But on being pointed out that the same was shown to the learned trial court, IO/Inspector Dinesh Kumar stated that the



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CCTV footage was in a pendrive, which was taken over by the current IO/Inspector Naresh Kumar. But IO/Inspector Naresh Kumar has opted not to appear.

7. Ordinarily, in such a situation where the investigators seem to be not interested in opposing the bail application, the Court would be cautious in dealing with the bail application. But in the present case, it is pointed out by learned counsel for accused/applicant that the complainant *de facto* in his testimony as PW13 failed to identify the present accused/applicant as one of the assailants. Rather, during trial, on being shown the accused/applicant, the witness PW13 specifically stated in his testimony having never seen the said person. According to learned counsel for accused/applicant, the accused/applicant was not involved in the offence and has been falsely booked.

8. In response, learned APP submits that another eye witness Ranjit Kumar in his testimony as PW7 has clearly identified the accused/applicant as one of the assailants. In this regard, the testimony of PW7 shows that all four alleged assailants were shown to the witness through videoconferencing from judicial custody and he stated '*ye hi the, ye hi the*', admittedly, the said identification was not carried out individually. Similar was the manner of getting the accused/applicant identified along with others in group through videoconferencing from PW-16. But at this stage, I must add a cautious rider that while considering the bail application, discussion on evidentiary value of such identification would not delve deeper.



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9. Considering the overall circumstances, especially the accused/applicant not being named in the FIR, the dock identification of the accused/applicant in group through videoconferencing and unreasoned non-production of CCTV footage by the investigators in Court, I do not find it appropriate to further deprive the accused/applicant liberty.

10. The Bail Application is allowed and it is directed that accused/applicant be released on bail, subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court. Accompanying application also stands disposed of.

11. 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)**

JANUARY 12, 2026

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