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

+ BAIL APPLN. 3543/2025
ASHISH @ ASHU

.....Applicant

Through: Mr. N.S. Dalal, Mr. Sourbh Tyagi,
Ms. Rachna Dalal, Mr. Prateek
Sharma, Ms. Urvashi Sharma,
Advocates.

versus

THE STATE G.N.C.T. OF DELHI

.....Respondent

Through: Mr. Hitesh Vali, APP with Insp.
Jaspal Singh.
Mr. Jitesh Dev, brother of the
deceased.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
01.04.2026

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1. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of regular bail in connection with FIR No. 92/2024 dated 11.02.2024, registered at Police Station Burari, District North, New Delhi, under Sections 323/341 of the Indian Penal Code, 1860 ["IPC"]. I have heard Mr. N.S. Dalal, learned counsel for the applicant, and Mr. Hitesh Vali, learned Additional Public Prosecutor for the State. Mr. Jitesh Dev, the brother of the deceased, is also present in Court, and has supported the submissions made by Mr. Vali.

2. The prosecution has also placed on record a status report.



3. The case of the prosecution is that information was received on 11.02.2024 at about 6:25 PM from Burari Hospital, with regard to the admission of one Priyanshu, who had been brought to the hospital by his brother, Jitesh Dev, and one Jai Kishan @ Chintu. He was found to have injuries on his head and elbow, and was found unfit to give a statement. He was thereafter referred to Lok Nayak Jaya Prakash Hospital, New Delhi, where he succumbed to his injuries on 22.02.2024. The medical reports, including the post-mortem report, have attributed the cause of death to injuries resulting from blunt force trauma to the head, caused by physical assault. During the course of investigation, statements of two eye-witnesses, namely Jai Kishan @ Chintu and Akash Srivastva, were recorded. The two eye-witnesses stated that the deceased was attacked with sticks by the applicant and his associates. After beating him mercilessly, the assailants escaped from the spot. It is further contended that there was a financial dispute between one Vishal Chauhan, who was the friend of the deceased, and one Anshul, who was a friend of co-accused Rohit Gaur, which led to the incident in question.
4. The present accused was arrested on 13.02.2024 alongwith co-accused Rohit Gaur, and two Children in Conflict with Law. It is further contended that a wooden stick was recovered at the instance of the present accused, and that the accused was also seen carrying a wooden stick in CCTV footage, near the scene of the crime.
5. Upon completion of investigation, the chargesheet was filed under Sections 302/341/147/148/149/34 of the IPC.
6. In support of the present application, Mr. Dalal submits that the applicant has been in custody for over two years, and that the statement of



all material witnesses have been recorded. The statements of the eye-witnesses, Jai Kishan [PW-3] and Akash Srivastva [PW-4], show that they have turned hostile. He further drew my attention to the testimony of Jitesh Dev [PW-1], the brother of the deceased, who stated that neither he nor the deceased informed the treating doctor as to the identity of the assailants, despite the prosecution's reliance upon the statement allegedly made by the deceased to his brother. In these circumstances, Mr. Dalal submits that the applicant is entitled to the concession of bail.

7. Mr. Vali and Mr. Jitesh Dev, on the other hand, emphasised the seriousness of the allegation against the applicant. Mr. Vali has also drawn my attention to the examination-in-chief of Jitesh [PW-1], in which it is stated that the deceased informed him that he had been beaten by the accused persons, including the present applicant, with a stick. He also stated that one day prior to the incident, a verbal quarrel took place between Smarty [which according to the Investigating Officer ["IO"], is an alias of Vishal Chauhan] and other unknown persons. Coupled with the recovery and CCTV footage, it is submitted that the *prima facie* case against the applicant does not merit the grant of bail. The medical evidence is also consistent with the death having been caused by injuries from wooden sticks.

8. Although the applicant is undoubtedly accused of a serious offence under Section 302 of the IPC, the material witnesses have all been examined. However, Mr. Vali states that there are 20 remaining witnesses who still need to be examined. The trial is thus likely to take some time.

9. A detailed examination of the evidence is not called for at this stage. Suffice it to note that the testimony of the alleged eye-witnesses



[PW-3 and PW-4] has been recorded, and both the witnesses have turned hostile. The prosecution case thus rests upon the testimony of the brother of the deceased, who has stated the deceased informed him of the identity of the assailants. While the probative value of the said statement will be determined at trial, it is the accepted position, at this stage, that that no other statement of the deceased was recorded, between the date of the incident [11.02.2024] and the date of death [22.02.2024]. In fact, it is the prosecution case that, at the time of admission in the hospital, the deceased was put on a ventilator, and was stated to be unfit for giving a statement.

10. Having regard to the above factors, I am of the view that it is inappropriate to further deprive the applicant of liberty pending trial.

11. It is, therefore, directed that the applicant be released on regular bail in connection with FIR No. 92/2024 dated 11.02.2024, registered at Police Station Burari, District Burari, New Delhi, subject to furnishing a personal bond in the sum of Rs. 25,000/-, with one surety in the like amount, to the satisfaction of the concerned Trial Court/Duty Metropolitan Magistrate, and subject to the following further conditions:

- a. The applicant shall appear before the concerned Trial Court on each and every date of hearing fixed.
- b. The applicant shall ordinarily reside at the address as per prison records, and shall not change the address without prior intimation to the concerned IO/ Station House Officer [“SHO”].
- c. The applicant shall furnish his mobile number to the concerned IO/SHO, and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall



not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO.

- d. The applicant shall not, directly or indirectly, contact, nor visit, nor offer any inducement, threat, or promise to the family of the deceased, any of the prosecution witnesses, or other persons acquainted with the facts of the case.
 - e. The applicant shall not, directly or indirectly, tamper with evidence nor otherwise indulge in any act or omission that would prejudice the proceedings in the pending trial.
 - f. The applicant shall not commit any offence during the pendency of the proceedings.
12. The bail application is disposed of in terms of the above.
13. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.
14. A copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

PRATEEK JALAN, J

APRIL 1, 2026
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