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

+ BAIL APPLN. 3253/2024 & CRL.M.A. 27091/2024

NARESH @ ROSHAN MUNSHIPetitioner
versus

STATE NCT OF DELHIRespondent

+ BAIL APPLN. 4027/2024

PRINCE KUMARPetitioner
versus

THE STATE (N.C.T. OF DELHI)Respondent

Appearances: Mr. Tarang Srivastava, APP for the State alongwith
Insp. Ashwani Kumar, P.S.-Adarsh Nagar
Mr. Amit Poonia and Mr. Nitin, Advocates for
petitioner in item 4
Mr. Faraz Maqbool (DHCLSC), Ms. Deepshikha and
Ms. Ananya Luthra, Advocates for petitioner in item 5

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
20.01.2026

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1. The applicants have filed these bail applications, seeking regular bail in proceedings arising out of FIR No. 371/2019 dated 29.10.2019 registered at Police Station Adarsh Nagar, District North West, Delhi, for the offences punishable under Sections 302/120B/34 of the Indian Penal Code, 1860 ["IPC"], and under Sections 25 and 27 of the Arms Act, 1959.
2. As both the bail applications arise out of the same FIR, they have



been taken up for hearing together, with the consent of learned counsel for the parties.

3. I have heard learned counsel for the applicants and Mr. Tarang Srivastava, learned Additional Public Prosecutor.

4. By an order dated 09.09.2024 in BAIL APPLN. 3253/2024, and order dated 06.11.2024 in BAIL APPLN. 4027/2024, the Investigating Officer [“IO”] was directed to inform the family of the deceased that they are entitled to be heard in these proceedings. This direction was reiterated on 10.01.2025 and 05.03.2025. Mr. Srivastava states, upon instructions, from Inspector Ashwani Kumar, the IO, that the closest surviving relative of the deceased is his uncle, who was informed of the proceedings but stated that he did not wish to appear.

5. Mr. Srivastava has filed status reports in both the bail applications. The facts relating to the registration of the FIR are stated as follows:

- a. A Police Control Room [“PCR”] call was received at P.S. Adarsh Nagar on 29.10.2019 at about 1 A.M., stating that the caller’s brother had been shot by two unknown boys.
- b. Upon arrival at the scene of occurrence, the police found a pool of blood, a motorcycle bearing registration No. DL 6SAZ5137, three empty cartridges, one live round and a bullet lead. No eyewitnesses were found.
- c. The deceased was identified as Adarsh, aged 18 years, who was declared “brought dead” by Babu Jagjivan Ram Memorial Hospital, Jahangir Puri, Delhi, at 01:25 A.M.
- d. At the hospital, the IOs met four friends of the deceased (Lucky, Jaiveer, Viresh, and Saurabh) who identified themselves as



eyewitnesses. Their statements under Section 161 of the Code of Criminal Procedure [“Cr.P.C.”] were recorded to the effect that they had gone with the deceased to attend a party on 28.10.2019. They left the party at Midnight and were gathered at the place of incident, when 5 boys, including the applicants herein, (identified as Lalit Kumar @ Money, Ranjeet @ Ganja, Naresh @ Roshan Munshi, Prince Kumar, and Vishal Giri @ Ravi) arrived and started firing at the deceased. Both the applicants and two of the other boys were stated to have been carrying firearms. The witnesses ran away out of fear, but saw the deceased falling to the ground. After the accused fled the scene, the witnesses returned and took the deceased to hospital.

- e. The deceased had an ongoing enmity with the group of boys who had attacked him.
- f. The statements of the four eye witnesses were also recorded under Section 164 Cr.P.C.
- g. One of the accused, namely Ranjeet@Ganja was arrested on 29.10.2019. He narrated an incident of two months prior, in which the deceased had beaten up two of the accused over a motorcycle accident, and stated that they decided to take revenge by murdering the deceased.
- h. The present applicants were arrested on 29.10.2019 (in the case of Naresh) and 30.10.2019 (in the case of Prince Kumar).
- i. As far as Naresh is concerned, the status report states that he admitted firing a pistol at the deceased and handed over his pistol to one of the other accused.



- j. As far as Prince Kumar is concerned, the status report states that he was identified by co-accused Lalit. He stated that he approached the scene alongwith others and immediately started firing. He had kept the weapon which was recovered from his residence, alongwith one live round and one empty cartridge.
 - k. The Call Detail Records of the accused, obtained from service providers in the course of investigation, revealed regular contact among the accused during the hours before and after the incident.
 - l. The post-mortem report confirmed the cause of death, as hemorrhagic shock caused by firearm injury. The ballistic report supports the case of the prosecution that the injury to the deceased was caused by the recovered firearm.
 - m. As of the date of the status report (08.09.2025), 14 out of 55 witnesses had been examined by the Additional Sessions Judge/Special Judge(NDPS), District North, Rohini Courts, Delhi [“Sessions Court”] in Sessions Case No. 77/2021.
 - n. One of the accused, namely Akash, who was not at the scene of the incident, but was handed over the weapons used by the other co-accused, has been granted regular bail by the Sessions Court by order dated 06.08.2020. All other co-accused are in judicial custody.
6. Both the applicants herein approached the Sessions Court for bail, but their applications were rejected by orders dated 11.07.2024 (in the case of Naresh) and 03.10.2024 (in the case of Prince Kumar).
7. Learned counsel for the applicants submit that both the applicants have been in custody in connection with the subject FIR for a period of



over six years and two months. The evidence of the material witnesses, including the four eyewitnesses, has already been recorded; however, the evidence of 41 witnesses (out of a total of 55 witnesses) remains to be recorded. They submit that the trial is, therefore, likely to take considerable time.

8. Significantly, learned counsel for the applicants have drawn my attention to the depositions of the four eyewitnesses before the Sessions Court, who have not supported the case of the prosecution on the point of identification of the accused. The relevant extracts from the evidence of the witnesses are as follows¹:

Statement of Biresh (P.W.3)

“...I cannot identify if the accused persons who are present in the court today were the assailants as at the time of occurrence, the assailants were wearing helmets and I was not able to see the faces of the assailants.

At this stage, despite seeing towards the accused persons namely Vishal, Ranjeet, Prince, Naresh and Lalit, witness submits that he cannot identify the accused person present in the court today as at the time of occurrence, the assailants were wearing helmets and I was not able to see the faces of the assailants.

Except this, I do not know anything else in this case and I do not want to say anything else in this case.

At this stage, Ld.Addl PP for the State seeks permission to cross examine the witness as he is not disclosing the complete facts of this case.

Heard. Allowed.

XXXX by Ld. Addl PP for the State.

It is wrong to suggest that on that day, while we were present at in front of Sahni Furniture on service road, accused persons namely Lalit @ Mani S/o Lallan R/o Mukundpur Part-I, Delhi, Ranjeet @ Ganja S/o Raghvansh Jha R/o Mukundpur, Part-I, Delhi and Prince S/o Sudama came from the right side or that accused Naresh @ Roshan Munshi S/o Ramvir Singh R/o Mukundpur, Part-I, Delhi and accused Vishal Giri @ Ravi S/o Bharat Giri R/o Mukundpur Part-I, Delhi came from our left side or that I was knowing the aforesaid accused persons earlier also. At this stage, statement u/s

¹ Emphasis supplied, in all the following extracts.



161 Cr. PC dated 29.10.2019 is read over to the witness and witness denied having made any such statement to the police or having named the aforesaid accused persons to the police, confronted with portion A to A1 of state-ment Mark PW -3/ A where it is so recorded.

It is further wrong to suggest that except accused Ranjeet, accused persons namely Lalit@ Mani Prince, Naresh and Vishal Giri were armed with pistols or that the aforesaid accused persons aimed towards my friend Adarsh or fired indiscriminately towards my friend Adarsh. At this stage, statement u/s 161 Cr.PC dated 29.10.2019 is read over to the witness and witness denied having made any such statement to the police, confronted with portion B to B1 of statement Mark PW-3/A where it is so recorded.

It is further wrong to suggest that on or about 1.00 am, I had made a call at 100 number from my mobile phone. Vol. the said call was made by my friend Jaiveer. At this stage, statement u/s 161 Cr. PC dated 29.10.2019 is read over to the witness and witness denied having made any such statement to the police, confronted with portion C to C1 of statement Mark PW-3/A where it is so recorded.

It is further wrong to suggest that I had also stated to IO that my friend Adarsh was having enmity (ranjish) with accused Lalit@ Mania and his associates or that I has specifically stated to IO that accused Lalit @ Mani and his associates were looking for Adarsh in order to kill him for quite some days or that I had specifically stated to IO that accused persons namely Lalit @ Mani, Naresh @ Roshan Munshi, Ranjeet@ Ganja and Vishal Giri @ Ravi and Prince had caused death of my friend Adarsh by causing him gunshot injuries. At this stage, statement u/s 161 Cr.PC dated 29.10.2019 is read over to the witness and witness denied having made any such statement to the police, confronted with portion D to D1 of statement Mark PW-3/A where it so recorded.

It is further wrong to suggest that on 30.10.2019, I alongwith my friends Lucky, Jaiveer and Saurabh went to PS Adarsh Nagar to know the progress of investigation or that in the PS Adarsh Nagar, I had seen accused persons namely Ranjeet @ Ganja, Lalit Kumar@ Mani, Naresh @ Roshan Munshi, Vishal Giri @ Ravi and Prince in the custody of the police officials or that I had identified them or specifically made statement to the effect that the aforesaid accused persons during the intervening night of 28/29.10.2019 had committed the murder of my friend Adarsh by causing him gunshot injuries. At this stage, statement u/s 161 Cr. PC dated 30.10.2019 is read over to the witness and witness denied having made any such statement to the police, confronted with portion A to A1 of statement Mark PW-3/B where it is so recorded.”

Statement of Lucky (P.W.4)



“...We were taken to police station in a police vehicle. We were given beatings at the police station and we were kept in police station for 3-4 days. Family members of Adarsh also reached police station. I cannot say even about the description of all the assailants as they were wearing helmets. I do not want to anything else.

At this stage, Ld. Addl PP for the State seeks permission to cross examine the witness as he is resiling from his earlier statement Heard. Allowed.

XXXX by Ld. Addl PP for the State.

Statement Ex. PW-4/A is read over to the witness and he states that **the accused persons were not known to us prior to the incident and when family members of the deceased Adarsh came to PS, they had given certain names and we were forced by police to say their names in our statements.**

Statement Ex. PW-4/B is read over to the witness and he states **that I had never identified the accused persons before the police in PS as they were not known to us.** It is wrong to suggest that I am deliberately not disclosing the true facts of this case or I am deposing falsely at the instance of accused persons due to fear, pressure or coercion or that I am too terrified by the incident that I am still not come out of the trauma and fear or that the accused persons were wearing helmets at the time of incident or they were not known to me or that today I am deposing falsely that the police had forced us to name the accused persons as the assailants. It is wrong to suggest that I was beaten by the police or kept at the PS for 3-4 days as no complain was made either to the senior police officers or tbc court. It is correct that I appeared before the court to make statement u/s 164 Cr.PC, photocopy of statement u/s 164 Cr.PC is now Ex. PW-4/C bearing my signature at point A (statement had already been admitted by the accused persons u/s 294 Cr. PC) and I had stated the names and roles of the accused persons. Vol. I had stated name and role of accused persons at the instance of police. It is wrong to suggest that the police never forced or induced me to state about the name and role of the accused persons during recording of my statement u/s 164 Cr. PC. It is correct that my statement was recorded by Ld. MM while sitting in chamber and there was no one else except me and Ld. MM in the chamber. I had not stated to Ld. MM that the police officials had forced me to state about name and role of the accused persons. It is wrong to suggest that since there was no pressure from the police officials to make statement be before the Ld. MM and I had deposed before Ld. MM voluntarily without any force and pressure and for this reason, I had not stated to Ld. MM that I had been beaten or kept in PS for 3-4 days or that I had been forced by the police officials to name the accused persons in my statement u/s 164 Cr. PC It is correct that I affixed my signature on statement u/s 164 Cr. PC after going through



the same. It is wrong to suggest that I am deposing falsely as I have compromised the case with the accused persons and I have already received monetary benefits from them.”

Statement of Jaiveer (P.W.5)

“...We were taken to police station in a police vehicle. We were given beatings at the police station and we were kept in police station for 3-4 days. Family members of Adarsh also reached police station, I cannot say even about the description of all the assailants as they were wearing helmets. I do not want to say anything else.

At this stage, Ld. Addl PP for the State seeks permission to cross examine the witness as he is resiling from his earlier statement.

Heard. Allowed.

XXXX by Ld. Addl PP for the State.

Statement Ex. PW-5/A is read over to the witness and he states that the accused persons were not known to us prior to the incident and when family members of the deceased Adarsh came to PS, they had given certain names and we were forced by police to say their names in our statements.

Statement Ex. PW-5/A-1 is read over to the witness and he states that I had never identified the accused persons before the police in PS as they were not known to us. It is wrong to suggest that I am deliberately not disclosing the true facts of this case or I am deposing falsely at the instance of accused persons due to fear, pressure or coercion or that I am too terrified by the incident that I am still not come out of the trauma and fear or that the accused persons were wearing helmets at the time of incident or they were not known to me or that today I am deposing falsely that the police had forced us to name the accused persons as the assailants. It is wrong to suggest that I was beaten by the police or kept at the PS for 3-4 days as no complaint was made either to the senior police officers or the court. It is correct that I appeared before the court to make statement u/s 164 Cr PC, photocopy of statement u/s 164 Cr. PC is now Ex. PW-4/C bearing my signature at point A (statement had already been admitted by the accused persons u/s 294 Cr. PC) and I had stated the names and roles of the accused persons. Vol. I had stated name and role of accused persons at the instance of police. It is wrong to suggest that the police never forced or induced me to state about the name and role of the accused persons during recording of my statement u/s 164 Cr. PC. It is correct that my statement was recorded by Ld. MM while sitting in chamber and there was no one else except me and Ld. MM in the chamber. I had not stated to Ld. MM that the police officials had forced me to state about name and role of the accused persons. It is wrong to suggest that since there was no pressure from the police officials to make statement before the Ld. MM and I had deposed



before Ld. MM voluntarily without any force and pressure and for this reason, I had not stated to Ld. MM that I had been beaten or kept in PS for 3-4 days or that I had been forced by the police officials to name the accused persons in my statement u/s 164 Cr. PC. It is correct that I affixed my signature on statement u/s 164 Cr. PC after going through the same. It is wrong to suggest that I am deposing falsely as I have compromised the case with the accused persons and I have already received monetary benefits from them.

At this stage, all the accused persons, present in the court today are shown to the witness but the witness states that none of the accused persons was involved in the incident.”

Statement of Saurabh (P.W.7)

“...I cannot identify if the accused persons who are present in the court today were the assailants as at the time of occurrence, the assailants were wearing helmets and I was not able to see the faces of the assailants.

At this stage, despite seeing towards the accused persons namely Vishal, Ranjeet, Prince, Naresh and Lalit, witness submits that he cannot identify the accused persons present in the court today as at the time of occurrence, the assailants were wearing helmets and I was not able to see the faces of the assailants.

Except this, I do not know anything else in this case and I do not want to say anything else in this case.

At this stage, Ld.Addl PP for the State seeks permission to cross examine the witness as he is not disclosing the complete facts of this case.

Heard. Allowed.

XXXX by Ms. Promila Singh, Ld. Addl PP for the State.

The statements Ex. PW-7/A & Ex. PW-7/B are read over to the witness in toto. **It is wrong to suggest that on that day, while we were present in front of Sahni Furniture on a service road, accused persons namely Lalit @ Mani S/o Lallan R/o Mukundpur Part-I, Delhi, Ranjeet @ Ganja S/o Raghvansh Jha R/o Mukundpur, Part-1, Delhi and Prince S/o Sudama came from the right side or that accused Naresh @ Roshan Munshi S/o Ramvir Singh R/o Mukundpur, Part-I, Delhi and accused Vishal Giri @ Ravi S/o Bharat Giri R/o Mukundpur Part-I, Delhi came from our left side or that I was knowing the aforesaid accused persons earlier also.** At this stage, statement u/s 161 Cr. PC dated 29.10.2019 is read over to the witness and witness denied having made any such statement to the police or having named the aforesaid accused persons to the police, confronted with portion A to A1 of statement Ex. PW-7/A where it is so recorded.

It is further wrong to suggest that except accused Ranjeet,



accused persons namely Lalit @ Mani, Prince, Naresh and Vishal Giri were armed with pistols or that the aforesaid accused per-sons aimed towards my friend Adarsh or fired indiscriminately towards my friend Adarsh. At this stage, statement u/s 161 Cr. PC dated 29.10.2019 is read over to the witness and witness denied having made any such statement to the police, confronted with portion B to B1 of statement Ex. PW-7/B where it is so recorded.”

9. Mr. Srivastava, on the other hand, submits that the nature of the allegations against the applicants is grave. Apart from the eyewitness evidence referred to above, he submits that the ballistic report provides sufficient correlation between the present accused and the offence. He further submits that the statements of the eyewitnesses recorded under Sections 161 and 164 Cr.P.C. were also in support of the prosecution's case.

10. Having heard learned counsel for the parties, I am of the view that this is an appropriate case for the grant of bail to the applicants, particularly having regard to the evidence recorded above. It appears, *prima facie*, that the four eyewitnesses have altogether declined to identify the accused. There is no CCTV evidence on the basis of which such identification can be established at this stage. While the matter is one to be finally adjudicated in the light of all the evidence available at trial, these *prima facie* findings support the applicants' case, at least for the grant of bail.

11. The applicants have already been in custody for more than 6 years in connection with the subject FIR. The nominal roll records that their jail conduct has been satisfactory, at least for the last one year. I am also conscious of the fact that, while the eyewitnesses have been examined, as aforesaid, 41 witnesses remain to be examined and the trial is therefore,



likely to take some time.

12. Although, the applicant-Prince Kumar is stated to have been convicted in another case bearing FIR No.133/2019 registered at P.S. Prem Nagar for the offences punishable under Section 376D of IPC & Section 6 of the Protection of Children from Sexual Offences Act, 2012, I am informed that his sentence has been suspended by an order of this Court dated 05.12.2023 in CRL. M.(BAIL) 412/2023.

13. For the aforesaid reasons, the applicants are admitted to bail in connection with FIR No. 371/2019 registered at Police Station Adarsh Nagar, for offences punishable under Sections 302/120B/34 of IPC, and under Sections 25 and 27 of the Arms Act, 1959, subject to their furnishing a bail bond in the sum of Rs.25,000/- each with one surety of the like amount, subject to the satisfaction of the learned Sessions Court/Duty M.M, further subject to the following conditions:

- a) The applicants shall reside at the address mentioned in the memo of parties during the pendency of the case.
- b) The applicants shall report to the jurisdictional Police Station once a fortnight, on every alternate Monday at 04.30 P.M. and will be released after completion of formalities within two hours.
- c) The applicants shall not leave the National Capital Territory of Delhi without prior permission of the Sessions Court.
- d) The applicants shall furnish their permanent address to the learned Sessions Court, as well as the address at which they are residing during the pendency of the case. The applicants shall also intimate the Investigating Officer and file an affidavit before the learned Sessions Court in the event of any change in his residential



address.

- e) The applicants shall appear before the learned Sessions Court as and when the matter is taken up for hearing.
 - f) The applicants shall provide their mobile numbers to the concerned IO/Station House Officer, which shall be kept in a working condition at all times. The said mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial.
 - g) The applicants shall not commit any offence during the period of their release.
 - h) The applicants shall not directly or indirectly make an inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever.
14. The bail applications, alongwith the pending applications, are disposed of in the above terms.
15. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail applications and shall not influence the trial proceedings, nor shall they be construed as an expression of opinion on the merits of the case.
16. Copy of the order be communicated to the Sessions Court and the concerned Jail Superintendent for information and necessary compliance.

PRATEEK JALAN, J

JANUARY 20, 2026

Dy/JM