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

+ **BAIL APPLN. 4072/2025**

VISHNU CHAUHAN

.....Petitioner

Through: Ms. Sonali Karwasra Joon, Mr.
Lakshay Jain, Mr. Ritik Kumar,
Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvirsingh Chauhan, APP.
Mr. Faraz Maqbool, Ms. A.
Sahitya Veena, Ms. Deepshikha,
Advocates for family of victim.
Mr. Neeraj Kumar, SC for
DHCLSC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.03.2026

1. By way of this bail application under Section 483 of the Bharatiya Nyaya Suraksha Sanhita, 2023, the petitioner seeks grant of regular bail in FIR No. 118/2023, dated 07.02.2023, registered at Police Station Sabzi Mandi, for the offences punishable under Sections 302 of the Indian Penal Code, 1860 and Sections 25/27 of Arms Act.

2. I have heard Ms. Sonali Karwasra Joon, learned counsel for the petitioner, and Mr. Yudhvirsingh Chauhan, learned Additional Public Prosecutor. Pursuant to order dated 27.02.2026, Ms. A. Sahitya Veena, learned counsel, on behalf of Mr. Faraz Maqbool, learned counsel for the Delhi High Court Legal Services Committee, enters appearance on behalf of the family of the deceased, and has advanced arguments on their



behalf.

3. The case concerns the death of one Akhilesh Tiwari on 07.02.2023 at Shop No. 22, Gol Chakkar, Mori Gate, Delhi. The prosecution has filed a status report which is already on record. The prosecution's case, as reflected in the said status report, is summarized as follows:

- A. The petitioner was an employee of co-accused Sanjesh Singh Chauhan @ Fauji [hereinafter, "Sanjesh"], who owned buses, which plied passengers and luggage booked by the deceased. The deceased was planning to ply his own buses on the route, which led to animosity between him and co-accused Sanjesh.
- B. The petitioner, and other persons, including Sanjesh and another co-accused Udayvir @ Baba [hereinafter, "Udayvir"], were travelling in a car owned by the brother of Sanjesh, from Etawah to Tappal in the State of Uttar Pradesh. They reached Tappal at about 12:45 AM on 07.02.2023. The deceased was travelling in a bus from Mathura to Delhi on the same night. Sanjesh asked the deceased to travel with him in the car, but he declined. The said car, in which the petitioner was travelling, as seen in CCTV footage, arrived in Delhi, following the bus in which the deceased was travelling.
- C. When the bus reached Gol Chakkar, Mori Gate, Delhi, the petitioner, Udayvir and Sanjesh were seen talking near the bus, which was parked in front of the office of the deceased [Vaishno Travels].
- D. The petitioner then boarded the bus, while the other two co-accused entered the office of the deceased. It is alleged that



Udayvir shot the deceased with a firearm, and thereafter, he and Sanjesh, ran away from the scene.

E. The petitioner escaped from the spot in the bus, and later joined the two co-accused and escaped with them.

4. Ms. Joon, in support of the application, submits that, even according to the prosecution's case, the petitioner was not present in the shop at the time of the incident. The only material against him is CCTV footage showing that he travelled to Delhi, alongwith two co-accused, and that he was present with them near the office of the deceased. She contends that the petitioner's presence and conversation with the co-accused is explained by the fact that he was an employee of Sanjesh. It is further submitted that there was no recovery from the petitioner, and no other material has come on record to link the petitioner to the offence in question. She also points out that the petitioner has already been in judicial custody for over three years, and that only 7 out of 25 witnesses have been examined, which indicates that the trial will take substantial time to conclude. She further submits that all material witnesses have already been examined.

5. Mr. Chauhan and Ms. Veena, on the other hand, oppose the bail application, and submit that the petitioner is seen travelling to Delhi alongwith the co-accused persons, and was also present right outside the scene of crime alongwith the co-accused. They submit that, in these circumstances, the petitioner's involvement in the offence as a co-conspirator cannot be overlooked.

6. Having heard learned counsel for the parties, I am of the view that this is a fit case for grant of bail to the present petitioner. Even according



to the prosecution, the petitioner was an employee of co-accused Sanjesh. Therefore, the petitioner's presence in the car, and travelling to Delhi, alongwith Sanjesh, and other co-accused persons, as well as his conversations with them outside the scene of crime does not, by itself, *prima facie* lead to the inference that he was involved in the offence. It is also not the prosecution's case that the petitioner was present at the location of the crime when the deceased was shot, but that he had, in fact, boarded the bus which was outside the location of the incident. It is thus clear that the role attributable to the petitioner is not of direct commission of offence, but of a co-conspirator. Mr. Chauhan also accepts that there was no recovery from the petitioner. The petitioner having already spent more than three years in custody, and all material witnesses having been examined, I am of the view that it is not appropriate to deprive him of his liberty further, during the pendency of the trial.

7. For the aforesaid reasons, it is directed that the petitioner be released on bail in connection with FIR No. 118/2023, dated 07.02.2023, registered at Police Station Sabzi Mandi, subject to furnishing a personal bond in the sum of Rs. 25,000/-, with one surety of the like amount to the satisfaction of Trial Court/Duty Magistrate, and subject to the following further conditions:

- a. The petitioner shall appear before the concerned Trial Court on each and every date of hearing fixed.
- b. The petitioner shall ordinarily reside at the address as per prison records, and shall not change the address without informing the concerned Investigating Officer ["IO"]/ Station House Officer ["SHO"].
- c. The petitioner 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 petitioner shall not contact, nor visit, nor offer any inducement, threat, or promise to any of the prosecution witnesses or other persons acquainted with the facts of the case.

e. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that would prejudice the proceedings in the pending trial.

f. The petitioner shall not commit any offence during the pendency of the proceedings.

8. The bail application is disposed of in terms of the above.

9. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

10. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

MARCH 27, 2026/“Bhupi”/AD/