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

\# **CNR No. DLHC010920802025**

\+ BAIL APPLN. 4470/2025 & CRL.M.A. 34592/2025

ARJUN .....Petitioner

Through: Mr. Sanjay Suri, Mr. Rishabh Relan, Ms. Vinny Shangloo, Mr. Pankaj Jakhmola and Mr. Saransh Suri, Advocates.

versus

STATE THROUGH SHO PS PUNJABI BAGH .....Respondent

Through: Mr. Mukesh Kumar, APP for State.
Ms. Anushkaa Arora (DHCLSC), Advocate for wife of the deceased.
Insp. Devender Singh, IO with Insp. Sangeeta Malik, PS Punjabi Bhagh.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 03.11.2026

1. By the way of the present bail application, the applicant seeks grant of regular bail in FIR No.116/2023 dated 8th March, 2023 for offences under Sections 302/34 of the Indian Penal Code, 1860 ('IPC') registered at P.S. Punjabi Bagh.

2. It is stated that the applicant has been in custody since 9th March, 2023, for a period of more than three and a half years.

3. The case of the prosecution is that the complainant, Vijay Kumar,

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gave a statement that the deceased/Vikas Chandra, was working as a DSM in the CNG Pump, New Rohtak Road, Rampura, Delhi where the Complainant also works as a sweeper. At about 04:00 PM, while he was at the CNG Pump, he heard some noise from the adjacent street. When he reached there, he found DSM, Vikas Chandra lying unconscious on the road near a white Swift Dzire Car parked in the street. Several persons had gathered and were saying that Applicant, Karan and his brother, Arjun, had brutally killed Sh. Vikas Chandra.

4. The CCTV coverage of the incident was seized wherein the deceased and the co-accused, Karan can be seen having a scuffle with each other. Thereafter, the co-accused, Arjun can be seen running towards the deceased and hitting him on his shoulder and face, due which the deceased fell and ultimately died. The Post-Mortem of the deceased was conducted on 09.03.2023 and the Autopsy Surgeon opined that the cause of death is "*Cerebral damage as a result of blunt force/abject impact. All injuries are antemortem in nature"*.

5. Counsel appearing on behalf of the applicant submits that in the present case, there was no premeditated plan to commit murder. He submits that the fight was a sudden occurrence and the parties, and the deceased was drunk. There was no intention of the applicant to cause a fatal injury and hence ingredients of Section 302 IPC are not made out.

6. He further submits that co-accused Karan has already been granted bail by this Court on 18th September, 2025. It is further submitted that all the eye-witnesses have already been examined.

7. Status report has been filed on behalf of the State opposing the bail application. Mr. Mukesh Kumar, APP appearing on behalf of the State

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vehemently opposes the bail application considering the gravity of the offence, the nature of allegations and the CCTV coverage. He submits that one of the eye-witnesses, PW-10, has supported the case of the prosecution.

8. Ms. Anushkaa Arora, counsel appearing on behalf of wife of the deceased also vehemently opposes the bail application considering the gravity of the offence. She submits that this is not the case of parity as the role of co-accused was quite different from that of the applicant.

9. I have heard the counsel for the parties and also perused the material on record, CCTV coverage of the incident.

10. A perusal of the CCTV coverage shows that a sudden fight took place between the accused persons and the deceased, who appeared to be in a drunk condition. The CCTV coverage further shows that the applicant was going back towards his house when the deceased came towards him and threatened him. Therefore, at this stage, it cannot be conclusively said that an offence under Section 302 IPC is made out.

11. It is a matter of record that the co-accused, Karan has already been granted bail by this Court. All the eye-witnesses have already been examined.

12. As per the status report, 27 out of 34 witnesses are yet to be examined, therefore, the trial is likely to take considerable time.

13. As per the Nominal Roll, the applicant has spent more than three and a half years in custody. He is not involved in any other case and his conduct in the jail has been satisfactory.

14. Considering the totality of the facts and circumstances, and taking into account that the trial is likely to take some time, in my opinion, the applicant cannot be kept under incarceration for an indefinite period of time.

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Therefore, this Court considers it fit to grant bail to the applicant.

15. For the foregoing reasons, the present application is allowed and the applicant is directed to be released on bail, subject to the applicant furnishing bail bond in the sum of Rs.50,000/-, with one surety in the like amount to the satisfaction of the Trial Court, and subject to the following conditions:

a. The applicant shall provide his latest mobile number(s) to the concerned Investigating Officer ("I.O.")/Station House Officer ("S.H.O."), which shall be kept in a working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the I.O.

b. The applicant shall furnish his permanent address to the I.O., as well as the address where he is residing during the pendency of the matter, within one (1) week from today, and will inform the I.O. and this Court in case of any change in address.

c. The applicant will appear before the Trial Court as and when the matter is listed for hearing.

d. The applicant shall not leave the country without the permission of the Court.

e. The applicant will not approach in any manner the family of the deceased.

f. The applicant shall not commit any offence during the period of their release.

g. The applicant shall not directly or indirectly make any 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.

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16. The application is disposed of in the above terms.

17. Needless to state that any observations made herein are purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the case.

18. Copy of the order be forwarded to the Jail Superintendent for necessary compliance.

AMIT BANSAL, J

NOVEMBER 3, 2026
Vivek/-

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