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

+ BAIL APPLN. 4602/2025

RAMESH @ CHITMAL

.....Petitioner

Through: Mr. Chetan Kaushik, Mr. Nikhil Dabas, Mr. Dheeraj Yadav, Mr. Ashish Kaushik, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP.
SI Suresh Kumar, P.S. Sagarpur.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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06.04.2026

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks regular bail in connection with FIR No. 446/2019 dated 26.09.2019, registered at Police Station Sagar Pur, District South-West, New Delhi, under Section 302 of the Indian Penal Code, 1860 ["IPC"].
2. I have heard Mr. Chetan Kaushik, learned counsel for the applicant, and Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor for the State.
3. Pursuant to the order dated 17.03.2026, Mr. Chauhan states, upon instructions from the Investigating Officer, that the family of the deceased has been informed of the pendency of the application. However, they have not entered appearance.



4. The State has also placed on record a status report.
5. The prosecution case, as it emerges from the status report, is that the FIR was registered on the basis of a Police Control Room call informing that a person had been stabbed and was lying outside Hans Park, Arya Samaj Mandir, West Sagarpur, New Delhi. By the time the police reached the spot, the victim had been shifted to Deen Dayal Upadhyay Hospital, New Delhi, where he was declared brought dead.
6. The Medico-Legal Certificate revealed two stab wounds on the left side of the chest.
7. In the course of investigation, CCTV footage was examined, and the applicant was seen therein. He was identified on the basis of secret information, alongwith two accused who were also seen in the CCTV footage. The mobile phone of the deceased was recovered from the possession of co-accused Rahul. At the instance of the present applicant, co-accused Sunil was arrested, and the weapon of offence, i.e. a knife, was allegedly recovered from him. It is further stated that the applicant and Rahul had disclosed their involvement in the offence, as well as that of Sunil.
8. Upon completion of investigation, a chargesheet was filed under Sections 302/394/397/411/34 of the IPC.
9. Mr. Kaushik submits that the applicant has already been in custody for six and a half years, and all material witnesses have been examined. However, 20 witnesses remain to be examined. He submits that the *prima facie* material against the applicant comprises only CCTV footage in which he is visible near the place of offence, and there was no recovery from his possession.



10. Mr. Chauhan, however, opposes bail on the basis of the seriousness and gravity of the offence. He submits that the applicant has been clearly identified in the CCTV footage, and has also disclosed his participation in the offence. In fact, the weapon of offence was recovered from a co-accused, who was arrested at the instance of the present applicant.

11. Mr. Chauhan has also pointed out the applicant's involvement in one other criminal case. Mr. Chauhan draws my attention to previous conviction/involvement report attached to the status report, in which it is stated that the applicant was involved in one other FIR bearing No. 773/2019 registered at Police Station Sagar Pur, under Sections 379/411/34 of the IPC. However, upon checking the record from e-courts website, he submits that the said offence has already been compounded.

12. Having heard learned counsel for the parties, I am of the view that the continued incarceration of the applicant pending trial is not required. The Nominal Roll reveals that he has already been in judicial custody for a period of over six and a half years. The *prima facie* case against the present applicant, even according to the chargesheet, comprises his visibility in CCTV footage near the place of incident, but it is not alleged that his participation in the commission of the offence is revealed in the CCTV footage. Neither the stolen goods nor the weapon of offence was recovered from him. Although all material witnesses have been examined, it appears that 20 witnesses remain to be examined, which renders the possibility of expedited disposal remote.

13. Having regard to the fact that the only other involvement shown in the status report has already been compounded, and that the applicant has been in custody in the present case for a long period, without the prospect



of early culmination of the proceedings, I do not consider this a fit ground to deny bail. The judgment of the Supreme Court in *Prabhakar Tewari v. State of Uttar Pradesh and Anr.* [(2020) 11 SCC 648] also makes it clear that other criminal involvement need not always lead to denial of bail.

14. Having regard to the above, it is directed that the applicant be released on bail in connection with FIR No. 446/2019 dated 26.09.2019, registered at Police Station Sagar Pur, District South-West, New Delhi, subject to furnishing of a bail 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 Sessions 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 Investigating Officer [“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.
15. The bail application is disposed of in terms of the above.
16. 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.
17. A copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

PRATEEK JALAN, J

APRIL 6, 2026
“Bhupi/KA”/