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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4924/2025 & CRL.M.A. 38037/2025

SAJAN PAL ALIAS SUKHVIR

.....Applicant

Through: Mr. Kapil Singhal and Mr. Jatin Bisht, Advocates.

Versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for the State with Ms. Upasna Bakshi and Mr. Gourav Singh, Advs.
Mr. Sarthak Karol, Ms. Neelakshi Bhadhauria and Ms. Tanishka Pawar, Advs. for victim

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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23.04.2026

1. By virtue of the present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in proceedings arising from FIR No.504/2022 registered at PS: Kalyanpuri for the commission of offence punishable under *Sections 302/201/34* of the Indian Penal Code, 1860 (**IPC**).

2. As per FIR, on 10.06.2022, pursuant to a PCR call recorded *vide* DD No.92A, information was received regarding an unknown dead body lying in a drain near Mother Mary School, Trilokpuri. Acting upon the same, the police officials reached the spot, recovered the body, collected exhibits including blood samples, clothing, and footwear and admitted him to the mortuary of LBS Hospital. Meanwhile, on the same day, a missing person report recorded *vide* DD No.117A was also filed, which matched



the description of the dead body. Subsequently, the dead body was identified as Naresh Kumar, aged 30. The post-mortem report states the cause of the death as “... ..*shock due to ante-mortem cranio-cerebral damage consequent upon heavy blood, force impact on head and face and sufficient to cause death in ordinary course of nature. All injuries ante-mortem in nature and could be possible to produce by blunt force impact/blunt object.*” As such, the present FIR came to be registered on 11.06.2022.

3. During the course of investigation, the CCTV footage revealed the deceased being physically assaulted with a ‘*danda*’ and dragged by three persons, which were identified by the deceased’s family members as Sanjeev, the present applicant/ Sajan Pal @ Sukhvair, Yogesh and one CCL. Thereafter, since the present applicant was absconding, the learned Trial Court issued Non-Bailable Warrants (**NBWs**) against him, however, he was eventually arrested on 14.09.2022.

4. Mr. Kapil Singhal, learned counsel for the applicant primarily submits that the applicant has clean antecedents and has been falsely implicated in the present FIR and no incriminating material has been recovered from his instance. He submits that the CCTV footage relied upon by the prosecution does not clearly depict/ establish the applicant’s presence with any certainty. More so, the FSL analysis of the CCTV footage is inconclusive, and facial matching could not be carried out due to the low pixel resolution and poor camera orientation. Lastly, he submits that the applicant has been in judicial custody since 14.09.2022 i.e. for more than *three years and seven months* as on date and since, the chargesheet has been filed and all material witnesses have been examined



before the learned Trial Court, further judicial custody of the applicant is unwarranted.

5. *Per contra*, Mr. Satish Kumar, learned APP for the State relying upon the Status Report, opposes the present application and submits that the applicant does not deserve to be released on bail as the allegations against him are grave and serious in nature for offences under *Sections 302/201/34* of the IPC. Moreover, since the present applicant is clearly visible and has been identified by the mother of the deceased in the CCTV footage as also the presence of the call CDR near the site of the incident, the present bail application of the applicant be rejected.

6. Mr. Sarthak Karol, learned standing counsel of DHCLSC appearing for the mother of the complainant/ respondent no.2, has handed over a copy of the written synopsis, which is taken on record. He, supporting the case of the prosecution, submits that the applicant, after commission of the present offence was absconding for almost three months, as is evident from the NBWs issued by the learned Trial Court against him, hence, there is an apprehension that, if released on bail, he may abscond and evade due process of law.

7. This Court has heard the learned counsels and perused the record.

8. Though, this Court is mindful of the nature of allegations levelled against the present applicant as also the severity of punishment prescribed in the event of conviction, however, considering the overall facts and circumstances involved herein, particularly the fact that the FSL report *qua* the CCTV footage categorically states that “... ..*requisite facial identification of persons*... ..*cannot be carried out due to low pixel resolution and camera orientation*”, therefore, the applicant is not clearly



identifiable and the role attributable to him is also not, *per se*, decipherable.

9. Moreover, though it has been alleged that as per the CDR details of the applicant, he was present in the same vicinity at the time of the alleged incident, however, this in itself cannot be sufficient to assign any role to the applicant. Furthermore, though the applicant is alleged to have been absconding for over *three (3) months* prior to being arrested, as a result whereof NBWs were issued against him, however, a perusal of the Nominal Roll reflects that his conduct lately i.e. while facing incarceration has been “*Satisfactory*” as also he has had clean antecedents.

10. Under these circumstances, since the applicant herein has been facing incarceration for a period of over *three years and seven months*, relying upon ***V. Senthil Balaji vs. Deputy Director, Directorate of Enforcement 2024 INSC 739*** wherein it has been held that the length of period has to be given due credence, as also only *eleven (11)* out of *forty (40)* witnesses have been examined, and the trial is going to take long in conclusion, due weightage have to be accorded thereto.

11. Lastly, it is also brought to the notice of this Court that one of the co-accused has already been released on bail by this Court *vide* order dated 25.07.2025 passed in Bail Appln. 4250/2025.

12. In light of all the aforesaid, the present, in the opinion of this Court, is a fit case for grant of regular bail. As such, the applicant be released on regular bail in FIR No.504/2022 registered at PS: Kalyanpuri for the commission of offence punishable under *Sections 302/201/34* of the IPC subject to him furnishing a personal bond in the sum of Rs.50,000/- along with one surety of the like amount by a family member/ friend having no



criminal case pending against him and subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- a) Applicant shall not leave the NCT of Delhi without prior permission of the concerned Court and shall ordinarily reside at the address as per TCR.
- b) Applicant shall surrender his Passport, if any, to the IO within three days of his release.
- c) Applicant shall join and participate in the investigation as and when called by the IO.
- d) Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times.
- e) Applicant shall not indulge in any criminal activity and shall not contact any of the prosecution witnesses, or tamper with the evidence of the case.

13. The present application is allowed and disposed of in the aforesaid terms.

14. A copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance thereof.

15. Needless to say, since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they shall have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J

APRIL 23, 2026/Ab/DA