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

% *Date of Decision: 13.01.2026*

+ **BAIL APPLN. 115/2026 & CRL.M.A. 969/2026**

GAURAV

.....Petitioner

Through: Mr. Sunil Kumar, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Inspector Vinod Kumar, PS M.S.
Park

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant, suffering incarceration since 01.07.2024, seeks regular bail in case FIR No.323/2024 of PS M.S. Park for offence under Section 302/34 IPC.

2. Briefly stated, according to the prosecution, a blind FIR was registered on the information of discovery of a dead body. The further investigation took the investigating officer to three accused persons including the present accused/applicant.

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2026:DHC:267



3. Learned counsel for accused/applicant submits that even the circumstantial evidence collected by the IO during investigation is not sufficient to continue incarceration of the accused/applicant. It is submitted by learned counsel that the star witness of prosecution, namely Gajram in his testimony as PW1 did not support prosecution. It is further contended that there is no reliable evidence on the basis whereof the accused/applicant be denied liberty.

4. Learned APP for State assisted by IO/Inspector Vinod Kumar opposes the bail application on the ground that there is strong evidence against the accused/applicant in the form of Call Detail Reports, reflecting his presence on the spot at the time of occurrence. Further, it is submitted by learned APP for State that the accused/applicant also got recovered his blood stained clothes from his house, which clothes have been sent to FSL for forensic examination of the blood stain for comparing the same with the blood of the deceased. No other evidence is there against the accused/applicant, as per learned prosecutor.

5. As mentioned above, the case brought by the prosecution is based completely on circumstantial evidence. The accused/applicant is in jail since 01.07.2024.

6. Two public witnesses are stated to have been examined in trial as PW1 and PW2 and they have not supported prosecution case. I have examined the testimony of both those witnesses, one of whom is an advocate

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while the other is a guard. Both witnesses were cross examined by the prosecutor but their testimony remained unshaken.

7. The other piece of evidence is the alleged presence of the accused/applicant on the spot at the time of occurrence. This presence is deduced on the basis of Call Detail Reports. The Call Detail Reports cannot pin point the exact spot of presence, as the same are based on position of the mobile phone tower, which covers a large area. Secondly, mere presence in the area of occurrence does not necessarily lead to complicity.

8. The last piece of evidence to connect the accused/applicant with the alleged offence is the alleged recovery of his blood stained clothes and shoes. In this regard I have perused the recovery memo. The alleged recovery proceedings were witnessed by only the police officials. Besides, the incident allegedly occurred on 30.06.2024 while the recovery of blood stained clothes took place on 02.07.2024. One wonders as to why the person after killing someone would retain the blood stained shoes and clothes in his home, as if a trophy.

9. At this stage, learned prosecutor also submits that there is evidence that prior and subsequent to the murder, all three accused persons were found together, which is a cogent evidence of involvement of the accused/applicant. As mentioned above, this inference also is based only on Call Detail Reports and further, merely because they were together does not necessarily point towards complicity of the accused/applicant in the alleged crime.



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10. Considering the above circumstances, I find no reason to further deprive the accused/applicant liberty. The bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court. Accompanying application also stands disposed of.

11. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant. Nothing observed herein shall be read at the time of final disposal of the trial.

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**GIRISH KATHPALIA
(JUDGE)**

JANUARY 13, 2026/as