



2026:DHC:9190



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 14.10.2026

CNR No. DLHC010338672026

+ **BAIL APPLN. 2984/2026 & CRL.M.A. 22526/2026**

PREM @ SAGAR

.....Petitioner

Through: Mr. Vimal Tyagi, Mr. Chirag Khokar
and Mr. Nishant Tyagi, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
Insp. Ravinder Solanki, PS Adarsh
Nagar.

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CNR No. DLHC010170912026

+ **CRL.REV.P. 249/2026 & CRL.M.A. 12560/2026**

PREM @ SAGAR

.....Petitioner

Through: Mr. Vimal Tyagi, Mr. Chirag Khokar
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Through: Mr. Utkarsh, APP for the State with
Insp. Ravinder Solanki, PS Adarsh
Nagar.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)****BAIL APPLN. 2984/2026****CRL.REV.P. 249/2026**

1. The present petitions arise out of FIR No. 0426/2025 dated 14.05.2025, registered at PS Adarsh Nagar, under Sections 103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter "BNS"). The consequent trial, being SC No. 6837/2025, is pending before the learned ASJ-03, North District, Rohini



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Courts, Delhi.

2. Since the matters arise out of the same FIR and have been heard together, they are being dealt with by way of this common order.

3. The case of the prosecution is that on 14.05.2025, the body of one Rahul was found under a tree at Meel Wala Park, near M2K DDA Park, Lal Bagh, Azadpur, Delhi, bearing multiple injuries on his head and face. Two blood-stained stones were found lying near the body, and blood-stained gauze was also lifted from the spot. In terms of post-mortem report No. 594/2025, the cause of death was opined to be cranio cerebral damage consequent upon injury to the head which is sufficient to cause death in ordinary course of nature.

4. It is the case of the prosecution that the CCTV footage recorded at 00:21 hours on 14.05.2025 showed three men at the spot where the body was found, and thereafter leaving through the same entry/exit while attempting to conceal their faces. It is further the case of the prosecution that on the basis of information furnished by a secret informer, they were identified as Prem @ Sagar, Akash and a child in conflict with law ('CCL'). All three were apprehended later on the same day, i.e. 14.05.2025; the two adult accused were arrested and were produced before the concerned Court on 15.05.2025 and remanded to judicial custody, whereas the CCL was produced before the Juvenile Justice Board and sent to an observation home. It is also submitted that the clothes of the accused persons, allegedly worn by them at the time of the occurrence, were seized.

5. Significantly, in terms of the FSL Report No. SFSL(DELHI)/15159/BIO/A02115/25, the DNA profile generated from the blood of the deceased was found to match the DNA profile generated from the



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T-shirt and the jeans pant of the accused Prem @ Sagar, as also from the shirt and the jeans pant of the CCL. The relevant extracts of the FSL Report regarding DNA examination are as under:

“1. The DNA profile of male origin generated from the source of exhibit '7' (Blood on gauze cloth piece of deceased) is found to be matching with the DNA profile generated from the source of exhibits '5a' (T-shirt of accused Prem), '5b' (Jeans pant of accused Prem), '6a' (Shirt of CCL) & '6b' (Jeans pant of CCL).

2. The DNA profile of male origin generated from the source of exhibit '7' (Blood on gauze cloth piece of deceased) is found to be similar with the DNA profile generated from the source of exhibits '8a' (T-shirt of deceased), '8b' (Lower of deceased) & '8c' (Underwear of deceased).”

6. The FSL Report has been placed on record by way of a supplementary chargesheet. It may be noticed that charge had, by then, already been framed against both the applicants under Section 103(1) read with Section 3(5) BNS, to which they pleaded not guilty and claimed trial. PW-1, HC Ravi Kant No. 861/NW, the duty officer who registered the FIR, was examined, cross-examined and discharged on 03.08.2026. The main chargesheet cites twenty-four witnesses; and two further witnesses, namely Dr. Dimple Bhatia, Junior Scientific Officer (Biology), FSL, and Insp. Ravinder Solanki, have been cited in the supplementary chargesheet. The matter is presently fixed before the learned Trial Court for prosecution evidence on 02.12.2026.

7. Both the applicants were arrested on 14.05.2025 and have been in custody since then.

CRL.REV.P. 249/2026

8. In CRL.REV.P. 249/2026, preferred under Sections 397/401 of the Code of Criminal Procedure, 1973 read with Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”), the



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petitioner assails an order dated 15.12.2025 passed by the learned ASJ-03, North District, Rohini Courts, Delhi, whereby charge was framed against the petitioner, i.e. Prem @ Sagar, under Section 103(1) read with Section 3(5) BNS, and he seeks discharge.

9. Learned counsel for the petitioner submits that there is no eyewitness to the incident and that the secret informer has not been cited as a witness. It is submitted that the statements recorded in under Section 180 of the BNSS do not implicate the petitioner.

10. The law is well settled that a revision petition is maintainable against an order framing charge. However, the law is also well settled to the effect that at the stage of framing of charge, the Court is required to sift the material only for the purpose of ascertaining whether the same discloses grave suspicion against the accused. The purpose of the same is not to weigh the material as if conducting the trial. It is equally well settled that the revisional jurisdiction is to be exercised sparingly, and that the revisional court does not sit as a court of appeal to re-appreciate the material, absent any glaring perversity. In this regard, reference may usefully be made to the judgment of a coordinate Bench of this Court in **Vijay Partap Singh v. State (Govt. of NCT of Delhi) & Anr.**, 2025 SCC OnLine Del 8640, wherein, after noticing **Union of India v. Prafulla Kumar Samal**, (1979) 3 SCC 4, and **State of Gujarat v. Dilipsinh Kishorsinh Rao**, (2023) 17 SCC 688, it was observed as under:

*“16. The scope of interference by High Courts while exercising revisional jurisdiction in a challenge to order framing charge/discharge is well settled. The power ought to be exercised sparingly, in the interest of justice. **It is not open to the Court to misconstrue the revisional proceedings as an appeal and reappreciate the evidence unless any glaring perversity is brought to its notice.**”*



18. *The Hon'ble Apex Court in Union of India v. Prafulla Kumar Samal : (1979) 3 SCC 4, dealt with the scope of enquiry a judge is required to make with regard to the question of framing of charges.*

Inter alia, the following principles were laid down by the Court:

"10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:

(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.

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(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused."

21. The Court at the stage of framing of charge is to evaluate the material only for the purpose of finding out if the facts constitute the alleged offence, given the ingredients of the offence. Thus, while framing of charges, the Court ought to look at the limited aspect of whether, given the material placed before it, there is grave suspicion against the accused which is not properly explained. Though, for the purpose of conviction, the same must be proved beyond reasonable doubt."

11. Further, Section 250 BNSS requires reasons to be recorded for discharge. In the present case, the material on record is sufficient to raise grave suspicion against the petitioner. He was apprehended on the very day of the incident; blood was detected on his clothes; and the DNA profile generated from the blood of the deceased has since been found to match the DNA profile generated from his T-shirt and jeans pant. Whether the identification from the CCTV footage, the role of the informer and the disclosure statements are reliable, are matters to be tested in evidence.

12. The trial has commenced and PW-1 has been examined. No illegality



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or perversity is discernible in the impugned order so as to warrant interference in the exercise of the revisional jurisdiction under Sections 438/442 BNSS (corresponding to Sections 397/401 CrPC). The petition is, accordingly, dismissed, along with the pending application. It is, however, clarified that the observations made hereinabove are *prima facie* in nature, for the purposes of the present petition alone, and shall not prejudice the trial on merits.

13. Pending application also stands disposed of.

BAIL APPLN. 2984/2026

14. This is the third bail application filed by the present applicant before this Court seeking regular bail. The first bail application before this Court was disposed of as not pressed on 07.04.2026 in BAIL APPLN. 1344/2026. The relevant portion of the order dated 07.04.2026 reads as under:

1. Applicant seeks regular bail in a murder case arising out of FIR No.426/2025, dated 14.05.2025, registered at P.S. Adarsh Nagar, Delhi, for commission of offence under Section 103(1) of *Bharatiya Nyaya Sanhita (BNS), 2023* (corresponding Section 302 IPC).
2. As per the allegations appearing in the abovesaid FIR, a person was murdered in a park and when CCTV footage from a nearby camera was accessed, it indicated three persons leaving the park while attempting to hide their faces. As per the case of prosecution, a secret informer had also seen the abovesaid footage and was able to identify all such three persons, including the applicant herein.
3. Learned counsel for the applicant submits that there is no eye-witness and even the alleged secret informer, who had identified the accused persons, is not cited as a witness and, therefore, there is no evidence, much less admissible one, on record.
4. Fact, however, remains that when the case was taken up by the learned



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Trial Court for hearing arguments on charge, the defence had conceded to the framing of charge and the charges were, accordingly, framed on 15.12.2025.

5. Learned Addl. P.P. for the State appears on advance notice and submits that it would be explored whether such secret informer can be asked to enter into witness box. She also states that upon identification of such informer, when the accused persons were apprehended, their blood stained clothes were also seized and the report from Forensic Science Laboratory (FSL) is still awaited.

6. The Investigating Officer, who is present, is directed to get in touch with the Director, FSL to ensure that there is no delay of any nature whatsoever in preparing the report with respect to the exhibits in question. A copy of this order be given *dasti* to the Investigating Officer to handover to the Director, FSL with a request to prepare report within six weeks.

7. After some arguments, learned counsel for the applicant, without prejudice to his rights and contentions, does not press the present application at this stage. He is, however, as prayed given liberty to file application afresh, once FSL report is submitted to the Court. It is made clear that in case the FSL report is not prepared within the abovesaid time-frame, in that situation also, the applicant would be at liberty to file fresh bail application before this Court.

8. The application stands disposed of in aforesaid terms.

9. Pending application also stands disposed of.

15. It is noticed that liberty was granted to the applicant to file a fresh bail application after the FSL Report was filed/submitted before the Court. The second bail application came to be filed thereafter, being BAIL APPLN. 1988/2026. The same was disposed of *vide* order dated 20.05.2026, which reads as under:



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1. Applicant seeks regular bail in a murder case.
 2. Learned Addl. P.P. for State, on instructions from investigating officer, submits that report of FSL has been received which incriminates the applicant as well. He submits that such supplementary charge-sheet would be laid before the concerned Court within a week.
 3. In view of above, learned counsel for applicant, without prejudice to his rights contentions, does not press the present bail application at this stage and seeks to withdraw the same. He, however, prays for liberty to file the application afresh after he is supplied with copy of supplementary charge-sheet.
 4. Application is accordingly disposed of as not pressed.
 5. All rights and contentions of the parties are reserved.
 6. Liberty, as prayed for, is granted.
16. It is noticed that the order dated 20.05.2026 specifically refers to the fact that the FSL Report incriminates the applicant. Consequently, the said application was withdrawn by the applicant at that stage.
17. Learned counsel for the applicant submits that the applicant is a young man, aged about 19 years at the time of his arrest, with no criminal antecedents. It is submitted that he has been in custody for the past about 17 months and that the trial is likely to take a considerable period of time to be completed.
18. On the other hand, learned APP for the State opposes the present application on the ground of the gravity of the offence and the forensic material.
19. It is trite that 'bail is the rule and jail is the exception'. At the same time, this Court is required to consider, inter alia, the nature of the accusation and the prima facie material in support thereof.



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20. The Supreme Court in *The State of Karnataka v. Sri Darshan*, (2026) 8 SCC 223, has observed that the following considerations are relevant while exercising discretion in granting/denying bail:

“29.2. In *Prahlad Singh Bhati v. NCT of Delhi*, this court laid down guiding principles:

(a) While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails conviction and the nature of evidence in support of the accusations.

(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.

(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

33.1. It is a settled principle that at the bail stage, courts are precluded from undertaking a detailed examination of evidence or rendering findings that touch upon the merits of the case. Only a prima facie assessment of the material is warranted. The court cannot conduct a mini-trial or record conclusions that could influence the outcome of the trial.

35.1. It is well settled that the mere filing of a charge-sheet does not confer an indefeasible right to bail. Likewise, the mere prospect of a prolonged trial cannot, by itself, outweigh the gravity of the offence, the incriminating material gathered during investigation, or the likelihood of tampering with witnesses.

35.6 The mere filing of the charge-sheet, the existence of a long list of witnesses, or the possibility of delay in trial, cannot, by themselves, constitute valid reasons to dilute the gravity of the offence or to disregard the case put forth by the prosecution. As repeatedly held by this Court, such factors are not standalone grounds for the grant of bail in heinous offences involving murder.”



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21. This Court is also required to consider the attendant facts and circumstances, including the forensic material which incriminates the petitioner/applicant and which was also taken note of at the time of the hearing of the previous bail application of the applicant.

22. In the present case, the incriminating forensic report is a conspicuous circumstance which this Court is unable to ignore. The DNA profile generated from the blood of the deceased has been found on the clothes of the applicant.

23. A coordinate Bench of this Court has, in comparable circumstances, declined bail in ***Sarnam Verma @ Suraj v. State Govt. of NCT of Delhi***, BAIL APPLN. 2164/2025, decided on 22.09.2025, where the FSL report disclosed the blood of the deceased on the clothes of the accused. It was observed as under:

“9. The contention of the applicant regarding prolonged incarceration and delay in trial, though not unfounded, cannot by itself override the gravity of the allegations in the present case. The right to speedy trial under Article 21 is undoubtedly important, but it cannot be read in isolation so as to eclipse the overwhelming consideration of the seriousness of the offence, especially where the delay is attributable partly to systemic factors and the gravity of the charge is such that releasing the accused would not be in the larger interest of justice.

10. ... At the stage of bail, a detailed appreciation of evidence is not warranted, yet the Court cannot ignore that there exists sufficient material which, if proved, would clearly implicate the applicant.

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12. In view of the aforesaid discussion, this Court is of the considered opinion that no case for grant of bail is made out. The offence alleged is of the gravest kind, involving the murder of three innocent family members in a pre-planned manner, which shocks the conscience of society. The applicant's plea of prolonged incarceration, in the facts of the present case, cannot outweigh the seriousness and gravity of the charges.”

24. The offence is punishable with death or imprisonment for life. In the facts of the present case, the age of the applicant, his antecedents and the



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period already spent in incarceration do not outweigh the aforesaid considerations. In **Sri Darshan** (supra), the Supreme Court has observed that “the nature of the offence is one of the basic considerations for the grant of bail – the more heinous the crime, the greater the chance of refusal of bail.”

25. Likewise, a coordinate bench of this Court in **Dineet v. State Govt of NCT of Delhi**, 2025 SCC OnLine Del 8603, while declining bail to an accused who had remained in custody for nearly five years in a case of murder, observed as under:

“24. Furthermore, the lengthy custody of the petitioner is to be weighed against the maximum sentence for the offence alleged, which is life imprisonment. It is trite that while delay in trial is unfortunate and is a direct contravention of ones right to personal liberty, it cannot be, per se, a pass guaranteeing bail, as noted by the Hon'ble Supreme Court in Dipak Shubash Chandra Mehta v CBI5.

25. It must be weighed against other factors, such as the accused's ability to influence/tamper with witnesses/evidence, his likelihood of being present during trial, and whether a prima facie case exists to the extent of his/her involvement in the commission of a crime and the gravity of the offence in question, measurable by the quantum of punishment prescribed.”

26. For the foregoing reasons, no case for the grant of regular bail is made out. The application is, accordingly, dismissed.

27. It is, however, made clear that the applicant shall be at liberty to renew his prayer for bail after the forensic witnesses have been examined, or in the event the trial does not progress materially within a period of six months from today.

28. Pending application also stands disposed of.

SACHIN DATTA, J

OCTOBER 14, 2026/at/sd