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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 05th October, 2026**# **CNR No. DLHC010352072026**+ **BAIL APPLN. 3106/2026****SAHIL**

.....Applicant

Through: Ms. Swaty Singh Malik, Ms. Kaushambi, Mr. Rohan Kumar and Mr. Amit Kumar, Advs.
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versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the State
Ms. Anushkaa Arora, Standing Counsel, Delhi High Court Legal Services Authority ("DHCLSC") for LR's of the Deceased
Mob: 987199212 & +011-41414498
Email: legal@abalawoffice.in
Mr. Ranveer Singh, Inspector, PS Anand Parbat

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking regular bail to the applicant, i.e., Sh. Sahil S/o Sh. Hari Kishan, in respect of *FIR No.*



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140/2023 dated 02nd April, 2023, under Sections 302/308/34/147/148/149/201 of the Indian Penal Code, 1860 (“IPC”), registered at Police Station (“PS”) Anand Parbat, Central, Delhi.

2. In the present case, the FIR in question was registered pursuant to a complaint made by one Sh. Pravesh, i.e., the complainant. Subsequently, a Chargesheet dated 28th June, 2023, was filed by the Investigating Officer (“IO”) before the Trial Court, under Sections 302/34/147/148/149 of the IPC.

3. The brief facts of the present case, as emerging from the Chargesheet are as follows:

3.1. The complainant in the FIR alleges that on 31st March, 2023, at around 09:00 PM, at the corner of *Street No. 21, Prem Nagar, Near Nepali Mandir, Anand Parbat, Delhi*, a group of boys came together and used abusive language amongst themselves as they all were drunk. Objections were raised by the complainant and his family, due to which the said group was sent away.

3.2. He further states that on 01st April, 2023, at around 08:15 PM, the complainant was informed that someone was stabbing his uncle’s son, namely, Karan Parihar. The complainant reached the spot only to see Karan Parihar lying on road in a pool of blood, and saw the accused persons running from the street. Further, Karan Parihar told the complainant that Pintu, Shivam and Golu Sardar along with his associates had attacked him.

3.3. In the meanwhile, the complainant’s uncle, namely, Deepak Kumar, and aunt, namely, Smt. Meenu, also reached the spot and tried to pick up Karan Parihar. However, as per the complainant, they were prevented from



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doing so by the group of 05-06 boys, who came again and beat them with sticks. The said group of boys fled, once they saw other people from the society come together.

3.4. It has been stated that Karan Parihar was brought to the Sardar Vallabh Bhai Patel Hospital, East Patel Nagar, New Delhi, by one Sh. Sunil, while, the complainant along with his uncle and aunt reached the said hospital on a Scooty. Subsequently, Karan was referred to BLK-MAX Super Speciality Hospital, Delhi, while the complainant along with his uncle and aunt were referred to RML Hospital, Delhi.

3.5. He further states that Karan Parihar was declared brought dead at the BLK-MAX Super Speciality Hospital, Delhi.

3.6. The police obtained the concerned *MLC 193/2023*, where the deceased complainant was declared brought dead at 10:00 PM on 01st April, 2023. The police reached the RML Hospital, Delhi, and obtained the *MLC E-62549*, *MLC E-62546* and *E-62548* of the complainant, his uncle and his aunty, respectively.

3.7. The Post Mortem Report of the deceased victim, i.e., Late Karan Parihar, revealed cause of death as haemorrhagic shock consequent upon injuries to front and back of chest, neck, and spinal cord.

3.8. During the course of investigation, the site of the incident was examined, and, *inter-alia*, blood stained clothes, blood samples of deceased and injured persons were taken into possession along with the CCTV footage of the site of incident by the Police.

3.9. At the instance of a secret informant, Pintoo, Deepak, Jaswinder @ Golu Sardar, Shivam Kumar and Sonu were apprehended, who later



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confessed to their crime during the interrogation. Another accused, who is a Child in Conflict with Law (“CCL”), namely, Sourav Kumar, was also apprehended and after following due guidelines, arrested by the police as he confessed to his crime during interrogation.

3.10. During investigation, pursuant to Notice under Section 160 of the CrPC, Pradeep @ Pawa and Sahil had appeared before the Police, and were arrested as they confessed to their crime. Further arrests were also made by the Police.

3.11. During investigation, the Call Detail Records (“CDRs”) of the accused persons were checked, wherein, it was found that the accused persons, including the applicant, had conversations with each other before the incident.

3.12. The applicant, along with the other associates, had surrounded the main accused persons from all sides to protect any counterattack/defence from Late Karan Parihar’s family.

4. The criminal case, being *SC 520/2023*, in respect of the FIR in question, is pending before the Court of the Additional Sessions Judge (“ASJ”) – 06, West District, Tis Hazari Courts, Delhi, and is at the stage of prosecution evidence.

5. The latest Nominal Roll dated 14th September, 2026, furnished by the Jail Authorities, shows that the applicant has been in custody since 07th April, 2023, i.e., for a period of 03 years 05 months and 08 days, as on 14th September, 2026. Presently the applicant has been in judicial custody for a period of approximately 03 years 06 months.

6. Learned counsel appearing for the applicant submits that the applicant



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was not named in the FIR in question by the complainant or in any statements given by the complainant/witnesses, but was only mentioned in the disclosure statements of the main accused persons.

7. She further submits that the applicant has been in judicial custody since 07th April, 2023. Furthermore, although charges were framed by the Trial Court against the applicant *vide* order dated 23rd July, 2025, only two public witnesses have been examined till date.

8. Learned counsel appearing for the applicant submits that the applicant surrendered on being served a notice under Section 160 of the CrPC, therefore, making clear his *bona fide* and intent to not flee or abscond the investigation.

9. She submits that the applicant has no role in the commission of the offence in question, and that he was only standing around to keep a watch. Furthermore, the applicant has clear antecedents and he is barely 18 years of age.

10. She further submits that the applicant is a CCL and he was a minor, i.e., 17 years 10 months, at the time of commission of the offence in question. It is submitted that the prosecution has wrongly averred that the applicant was 18 years 29 days on the date of the incident in question.

11. Learned counsel appearing for the applicant submits that there are 11 accused, out of which 04 are already on bail, including one CCL. There are 83 witnesses and only 02 witnesses have been examined till date.

12. In response, learned Additional Public Prosecutor (“APP”) for the State submits that as per the CCTV footage, the applicant was seen only standing at the scene of the crime and did not commit the actual offence in



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question. Further, co-accused of the applicant, who likewise was standing as the applicant, has already been granted bail.

13. The prosecution has placed on record a Status Report dated 09th September, 2026, emerging from which, the case of the prosecution *qua* the applicant is as follows:

13.1. The role attributed to the applicant is that he surrounded the main accused persons to prevent any possible counter attack/defence from the deceased victim's family. Further, after injuring the deceased victim, all the accused persons had fled the scene.

13.2. The CDRs of the mobile numbers of all accused persons were obtained and it was found that the accused persons made conversations with each other prior to the incident in question.

13.3. The applicant had moved an application seeking determination of this age through Bone Ossification Test or any other scientific method. The said application was dismissed by the Trial Court *vide* order dated 19th September, 2024.

13.4. As per the findings of the Trial Court in the aforesaid order, the date of birth of the applicant continues to be treated as 05th March, 2005, on the basis of the duly verified school records of the applicant collected during investigation.

14. Learned counsel appearing for Legal Representatives ("LRs") for the deceased victim submits that the applicant was part of the conspiracy to kill the deceased victim in the present case. She submits that the Trial is at the nascent stage, and therefore, there is possibility of the applicant influencing and threatening the witnesses.



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15. Having heard learned counsels for the parties, this Court, at the outset, notes that out of 83 witnesses only 02 witnesses have been examined till date. Thus, there is no likelihood of completion of the Trial at an early date.

16. Further, as per the facts on record, there is no allegation against the applicant regarding stabbing the deceased victim. His presence is shown at the site along with other persons around the main accused holding *lathi/danda*.

17. This Court also notes that the applicant is a young boy of approximately 18 years of age and has no criminal antecedents. Furthermore, similarly placed co-accused has already been granted bail with respect to the FIR in question.

18. Accordingly, taking a cumulative view of the facts and circumstances, this Court is of the view that a case for releasing the applicant on regular bail is made out.

19. The present petition is allowed and the applicant is directed to be released on regular bail in proceedings arising out of *FIR No. 140/2023* dated 02nd April, 2023, under Sections 302/308/34/147/148/149/201 of the IPC, registered at PS Anand Parbat, Central, Delhi, subject to the applicant furnishing a personal bond in the sum of Rs. 50,000/- along with one surety of the like amount to the satisfaction of the Duty Magistrate/Trial Court, and to the following further conditions:

- a. The applicant shall appear before the Trial Court on each and every date of hearing;
- b. The applicant shall provide his permanent address to the IO, as also the address where he is residing during the pendency of the case. The



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applicant shall intimate the IO, and file an Affidavit before the Trial Court regarding any change in residential address;

- c. The applicant shall provide his mobile number to the concerned IO/Station House Officer (“SHO”), which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;
 - d. The applicant shall report to the jurisdictional PS on every Monday at 09:00 AM, and shall be released, within two hours after completion of formalities;
 - e. 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. The IO is directed to monitor the situation and, in the event of any complaint being made, to inquire into the same in accordance with law;
 - f. The applicant shall not commit any offence during the period of his release.
20. The present bail application is allowed and accordingly disposed of in aforesaid terms.
21. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.



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22. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

MINI PUSHKARNA, J

OCTOBER 5, 2026/sk