



2026:DHC:2844



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

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*Date of Decision: 06.04.2026*

+ **BAIL APPLN. 2799/2025**

MAJOR

.....Petitioner

Through: Mr. Sudhir Kumar Sharma, Advocate.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State  
with Inspector Yogender.

**CORAM: JUSTICE GIRISH KATHPALIA**

**JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 248/2024 of PS Harsh Vihar for offence under Section 307/302/394/397/411/34 IPC and 25 of the Arms Act.

1.1 This bail application came up for the first hearing on 29.07.2025 before the predecessor bench and thereafter continued getting adjourned before different benches. Along with 179 such old pending bail applications, this application also was transferred to this bench.

1.2 Today is the first hearing before me. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/Inspector



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Yogender. During arguments, learned APP has shown me in his laptop the CCTV footage relied upon by the State.

2. Broadly speaking, the prosecution case is as follows. On 07.05.2024, DD No.108A was recorded on the basis of PCR call pertaining to a person who had received stab injury on chest and the caller was taking him for medical treatment in GTB hospital. On reaching the hospital, the IO found the injured dead. There is no eyewitness to the alleged fatal stabbing. However, the IO recorded statement of wife of the deceased, who had reached the spot subsequent to the alleged stabbing and at that time the deceased was bleeding profusely from his chest and was taken to the hospital by a stranger. It is on the basis of a secret information and the CCTV footage that three persons were found to be involved in the murder and out of them, one is Child in Conflict with Law. The knife, allegedly used in the murder was recovered from co-accused Suraj and the robbed mobile phone of the deceased, was recovered from the Child in Conflict with Law. Blood stained clothes of the accused persons were recovered and have been sent to FSL.

3. Learned counsel for accused/applicant submits that he is innocent and has been falsely implicated. It is submitted that the accused/applicant is in custody since 08.05.2024 and there is no reason to keep him in jail.

4. Learned APP for State submits that the CCTV footage clearly depicts all three assailants following the deceased. It is also contended that the



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clothes worn by the accused/applicant at the time of murder were seized and FSL report on the same is awaited. It is also submitted by learned APP that out of 28 prosecution witnesses, 03 have already been examined and now no public person remains to be examined by the trial court. It is also contended that even CDR location of the accused/applicant reflects his presence on the spot of occurrence.

5. The alleged incident occurred on 07.05.2024 at about 10:30pm and the accused/applicant was arrested at about 08:30pm on 08.05.2024. The IO came to know about the assailants through a “secret informer”. The clothes allegedly got recovered by the accused/applicant were so recovered from an almirah of his house on 08.05.2024. The time of the alleged recovery is not known to the IO as he has not brought the Case Diary. In any case, the alleged recovery would have been subsequent to 08:30pm, which is the time of arrest. One wonders as to why the accused/applicant would retain the blood stained clothes for more than 24 hours instead of washing off those clothes as if he was waiting to get the same recovered. However, on this aspect, the trial court shall take an independent view.

6. As regards the CCTV footage, I have seen the same and identity of the spot depicted in the footage cannot be ascertained, as it is just a road. The footage depicts one person walking across the road; after some time another person walks across the road; after some time two more persons walking separately across the road are visible. In one of the frames in the CCTV footage, three persons are seen walking across the road in opposite



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direction. There is nothing else in the CCTV footage.

7. So far as the CDR tracked location of the accused/applicant, the same would show at the most presence of the accused/applicant in the area as covered by the mobile phone tower, which covers hundreds of persons in that area.

8. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, 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.

9. Of course, nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA  
(JUDGE)**

**APRIL 6, 2026/ry**