



2025:DHC:10056



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

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**Reserved on : 23<sup>rd</sup> September, 2025****Pronounced on: 15<sup>th</sup> November, 2025****Uploaded on: 15<sup>th</sup> November, 2025**

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**BAIL APPLN.1066/2025****CHATTAN DABAS THROUGH PAIROKAR****.....Petitioner**

Through: Mr. Mohit Mathur, Senior Advocate with Mr. Prem Chhetr, Mr. Vignesh, Ms. Divya, Ms. Tarannum, Mr. Nayan Kumar Sharma & Mr. Sanit Singh, Advocates

**V****STATE (NCT OF DELHI)****.....Respondent**

Through: Mr. Tarang Srivastav, APP.

**CORAM:****HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT****RAVINDER DUDEJA, J.**

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 439 Cr.P.C. has been filed by the petitioner namely Mr. Chattan Dabas, seeking grant of regular bail in FIR No. 264/2023, registered at P.S. Baba Haridas Nagar under Section 302 IPC and Sections 25/27 Arms Act, 1959.

**Factual Background**

2. The prosecution case, in brief, is that on 12.06.2023, at about 7:35 PM, a PCR call was received at P.S. Baba Haridas Nagar



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regarding an accident near RP Building Material Supplier, Khaira Road. On reaching the spot, the police found a white Maruti Celerio car bearing registration no. DL 1RTC 3380 with its driver's side window shattered, bloodstains on the front seat, and an empty bullet shell on the rear seat. Shortly thereafter, information was received from RTRM Hospital that Mr. Dhirender [**“deceased”**], resident of Village Galibpur, had been brought with gunshot injury and declared dead. Post-mortem confirmed firearm wounds.

**2.1** The crime team inspected the spot, lifted exhibits, and seized the deceased's car- white Maruti Celerio. The body of the deceased was identified by his cousin Namit. During investigation, on the basis of secret information, the petitioner Chattan Dabas was arrested on 21.06.2023.

**2.2** As per the prosecution case, the petitioner fired upon the deceased and concealed the weapon, his mobile phone, and vehicle's number plate. CCTV footage of the place of incident and call detail records were collected. Pyjama, allegedly worn by the petitioner, was seized.

**2.3** On completion of investigation, charge-sheet was filed under Sections 302/201 IPC and 25/27 of the Arms Act, 1959. FSL result was obtained and filed with supplementary charge-sheet ruling out the CCTV manipulation. The face recognition report is still awaited. The trial has since commenced. The petitioner has been in custody for last more than two years.



2.4 The petitioner preferred bail application which came to be dismissed by Ld. Trial court vide order dated 28.01.2025. Feeling aggrieved, the present application has been filed before this Court.

**Submissions on behalf of the Petitioner**

3. Mr. Mohit Mathur, learned Senior Counsel who appeared for the petitioner submitted that the petitioner has been falsely implicated in the present case and that the entire case rests on circumstantial evidence and there is no direct evidence. Two prosecution witnesses namely Deepak (PW-2) and Ravi Tehlan (PW-3), who were projected as key witnesses, have not supported the prosecution case and were declared hostile. Both of them denied recognizing the petitioner in the CCTV footage and did not confirm their presence at the scene of crime.

4. It is further contended that the FSL report on facial recognition of the CCTV footage remains inconclusive due to the poor pixel quality and thus fails to assist the prosecution case. Moreover, PW-2 denied having furnished any certificate under Section 65B of the Evidence Act, and the footage was already in circulation on social media prior to its seizure, raising doubts on its authenticity.

5. Ld. Senior Counsel submitted that the CDRs relied upon only indicate presence of the mobile phone in the area and not necessarily at the crime scene. PW-12 clarified that the number was registered in the name of another individual. It is stated that as per the Fingerprint report, the chance prints lifted from the deceased's vehicle did not match the petitioner's fingerprints, thereby undermining the



prosecution case. Furthermore, no weapon has been recovered and the clothes seized from the petitioner bore no blood stains. It is also argued that the medical evidence regarding bullet trajectory and position of the deceased inside the vehicle does not support the prosecution's version.

6. Learned counsel highlights that the alleged motive is tenuous, since the testimony of PW-13 reveals that the deceased had a financial dispute with Rajesh and not with the petitioner. The alleged motive that the deceased was demanding money for wedding clothes that his wife stitched for Rajesh is weak and insufficient to link the petitioner with crime.

7. Finally, it is urged that the petitioner has already undergone nearly two years of incarceration as an under-trial, during which only 6 out of 30 witnesses have been examined, making it unlikely that the trial will conclude in the near future. Petitioner is ready to comply with any condition that may be imposed by this Court while granting bail. It is stated that the trial is protracted and continued detention would amount to pre-trial punishment and would violate the petitioner's fundamental right under Article 21 of the Constitution. It is urged that the petitioner be granted bail.

#### **Submissions on behalf of the State and Complainant**

8. *Per contra*, learned APP for the State, assisted by counsel for the complainant has opposed the grant of bail. It has been submitted that the incident is captured in the CCTV footage of the area. Petitioner is clearly visible in the CCTV footage and after seeing the



CCTV footage, the petitioner has been duly identified by PW-14 (brother of the deceased) and PW-15 (wife of the deceased), during investigation as also in evidence before the Court.

9. It is further argued that the CDRs establish presence of the petitioner in close proximity with the deceased around the time of the incident, lending weight to the prosecution's theory. Even though there is no recovery of weapon, the chain of circumstances, including concealment of the car's number plate and destruction of evidence, links the petitioner to the crime and does not absolve the petitioner at this stage when testimonial and circumstantial evidence points to his complicity.

10. Emphasising the gravity of the offence, learned APP contends that the petitioner is charged with a heinous crime of murder committed in a public place. It is argued that grant of bail at this stage would embolden the petitioner, who may influence key prosecution witnesses, particularly family members of the deceased and this would erode public confidence in the justice system. It is prayed that the present bail application be dismissed.

### **Court Reasoning and Analysis**

11. I have considered the rival submissions and perused the record. The law is well settled that at the stage of bail, the Court does not conduct a meticulous dissection of evidence but considers whether there exists a *prima facie* case, the gravity of allegations, and the likelihood of tampering or absconding [*Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528*]. The parameters governing the



grant of bail in serious offences such as murder are well-settled. The Court must balance the right to liberty of the accused with the interest of society and the sanctity of trial.

12. The contention that eyewitnesses- PW-2 and PW-3 have turned hostile does not by itself dilute the prosecution case at this stage, particularly when PW-14 and PW-15 have identified the petitioner in open Court upon viewing the CCTV footage. This *prima facie* links the petitioner with the deceased shortly before the incident and hostility of some witnesses cannot eclipse positive identification of the petitioner while committing the crime.

13. The argument regarding poor pixel quality of the footage cannot be accepted at this juncture, since the FSL report on video authenticity is awaited. Nonetheless, the FSL has ruled out manipulation. The evidentiary value of footage is a matter for trial, but at this stage, it cannot be discarded altogether.

14. During investigation, the CDR of mobile No. 9315240230 (deceased Dhirender) and mobile No. 8368825332 (petitioner Chattan Das) were obtained and analyzed, and as per CDR, petitioner had made calls to the deceased just prior to the incident and the location of both the deceased and petitioner are the same at the time of incident.

15. The non-recovery of weapon is also not decisive, as circumstantial evidence may suffice in a case of homicide. In *State through the Inspector of Police vs. Laly @ Manikandan & Another*, (Criminal Appeals Nos. 1750-1751 of 2022; decided 14 Oct 2022), the Supreme Court held that recovery of the weapon used in the



commission of the offence is not a sine qua non to convict the accused. Absence of recovery of weapon does not *ipso facto* negate prosecution if other evidence establishes guilt. The contradictions regarding and absence of fingerprints and bullet trajectory are issues to be tested during trial; but they cannot, at this juncture, demolish the prosecution case. The Court is not expected to hold a “mini-trial” at the bail stage.

**16.** The Court is conscious of the fact that the petitioner has been in custody for about two years. However, considering the gravity of offence, *prima facie* identification of the petitioner, corroborative CDR evidence, and the possibility of witness tampering, this Court is not persuaded to enlarge the petitioner on bail at this stage. Prolonged custody cannot be the sole ground for bail as held in *Kalyan Chandra Sarkar* (supra). In *Mahipal v. Rajesh Kumar (2020) 2 SCC 118*, it was reiterated that where a serious offence such as murder is alleged, bail should not be granted merely due to custody period, unless the prosecution case appears wholly improbable. The relevant portion of the judgment reads as under:

“12. The determination of whether a case is fit for the grant of bail involves the balancing of numerous factors, among which the nature of the offence, the severity of the punishment and a *prima facie* view of the involvement of the accused are important. No straitjacket formula exists for courts to assess an application for the grant or rejection of bail. At the stage of assessing whether a case is fit for the grant of bail, the court is not required to enter into a detailed analysis of the evidence on record to establish beyond reasonable doubt the commission of the crime by the accused. That is a matter for trial. However, the Court is required to examine whether there is a *prima facie* or reasonable ground to believe that the accused had committed the offence and on a balance of the



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considerations involved, the continued custody of the accused subserves the purpose of the criminal justice system. Where bail has been granted by a lower court, an appellate court must be slow to interfere and ought to be guided by the principles set out for the exercise of the power to set aside bail.”

**17.** On an overall conspectus, the allegations disclose grave and serious offence. *Prima facie* material in the form of identification by witnesses, corroboration by CDRs, and CCTV footage, coupled with post-incident conduct of the petitioner of concealment of number plate, operates against grant of bail at this stage.

**18.** In view of the cumulative facts and applying the settled principles, this Court is not inclined to enlarge the petitioner on bail at this stage. Accordingly, the present bail application is dismissed along with pending application, if any.

**19.** Nothing in this judgment shall tantamount as an opinion on the merits of the case and any observations made are only for the purpose of deciding the present bail application.

**RAVINDER DUDEJA, J.**

**15<sup>th</sup> NOVEMBER, 2025/AK**