



2025:DHC:7646



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

Reserved on: 20.08.2025
Date of Decision: 02.09.2025

+ **BAIL APPLN. 648/2025****PRAMOD**

.....Petitioner

Through: **Mr. Saket Kumar, Adv.**

versus

GOVT OF NCT OF DELHI

.....Respondent

Through: **Mr. Raghuinder Verma, APP**
for State with Mr. Aditya Vikram Singh,
Adv.

Mr. Satish Kumar, Investigating Officer**CORAM:****HON'BLE MR. JUSTICE AJAY DIGPAUL****J U D G M E N T**

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ [earlier Section 439 of the Code of Criminal Procedure, 1973²], has been filed by the petitioner, Pramod, seeking grant of regular bail in respect of FIR No. 576/2023, registered at Police Station Ranjeet Nagar, Delhi, under Sections 302/34 of the Indian Penal Code, 1860³.

Factual Matrix

2. The prosecution case, as borne out from the record, is that on 02.07.2023, at about 3:30 PM, an altercation took place near A-345,

¹ hereinafter "BNSS"

² hereinafter "CrPC"



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Sangam Colony, Naraina Vihar, resulting in the fatal stabbing of one Abhishek @ Golu.

3. The incident first came to the notice of the police through successive PCR calls, whereby the caller informed that his nephew had been attacked with a knife during a quarrel and was declared dead upon being taken to Metro Hospital, Pandav Nagar, Delhi.

4. Subsequently, on the basis of the statement of the complainant, Narender Paswan, uncle of the deceased, the FIR was registered at 10:35 PM. In his statement, the complainant alleged that four known boys from the locality, namely Pramod (present petitioner), Rajneesh, Roshan, and Amit Kumar Singh, chased his nephew near the butcher's shop. It is alleged that while Amit held the deceased by the neck and Rajneesh and Roshan restrained his hands, the petitioner Pramod stabbed the deceased on the chest and abdomen. The complainant and others then rushed the injured to Metro Hospital, where he was declared "brought dead."

5. Upon completion of investigation, a chargesheet was filed on 30.09.2023 citing 26 witnesses. On 14.12.2023, charges under Sections 302/34 of the IPC were framed against all four accused by the learned Additional Sessions Judge⁴, West District, Tis Hazari Courts.

6. The petitioner had earlier moved an application for bail which was dismissed as withdrawn on 22.04.2024.

7. The petitioner thereafter moved his second bail application before the learned ASJ, West District, Tis Hazari Courts, which was dismissed on 10.01.2025. While dismissing the application, the

³ hereinafter "IPC"

⁴ hereinafter "ASJ"



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learned ASJ observed that the allegations against the petitioner were grave and serious, and his role was distinguishable from that of the co-accused who had already been enlarged on bail, and testimonies of several witnesses indicated the role of the petitioner in giving a knife blow on the chest of the deceased. On this basis, the application for regular bail was rejected.

Submissions on behalf of the petitioner

8. Mr. Saket Kumar, learned counsel appearing for the petitioner, submitted that the petitioner has been falsely implicated in the present case and that he has no concern with the alleged offence.

9. Learned counsel drew the attention of this Court to the PCR calls recorded *vide* DD Nos. 41A, 42A, and 43A, all dated 02.07.2023, wherein the informant reported that his nephew had been stabbed during a quarrel but significantly did not disclose the name of any assailant. Neither at the stage of calling the police control room nor before the attending doctors was the name of the petitioner mentioned. This omission, according to the counsel, creates serious doubt regarding the subsequent allegations made against the petitioner.

10. It was further argued that the prosecution has cited 26 witnesses, yet the testimony of those examined so far does not support the prosecution story. It was pointed out that PW-1 categorically stated that he had not seen the petitioner at the place of occurrence, while PW-2, in cross-examination, admitted that PW-1 was not chasing anyone. PW-5, the butcher in front of whose shop the incident is alleged to have taken place, also deposed that he had not seen any



person stabbing the deceased. These material inconsistencies, it was urged, strike at the root of the prosecution case.

11. Learned counsel also submitted that the recovery of the alleged weapon, which was a chopper (meat cutter), does not carry evidentiary weight, as the weapon was not sent for forensic examination to obtain fingerprints. Moreover, prosecution witnesses PW-3, PW-4, and PW-5 failed to identify the recovered weapon as the one used in the commission of the crime, further weakening the prosecution version.

12. It was highlighted that there was an inordinate delay of nearly five and a half hours in the registration of the FIR after the PCR calls were made. Such delay, in the absence of any cogent explanation, indicates, according to the petitioner, that the story was concocted in collusion between the complainant and the police, so as to implicate the petitioner and the other co-accused.

13. On the aspect of parity, learned counsel submitted that co-accused Roshan and Rajneesh have already been granted bail by this Court in Bail Application No. 3942/2023 *vide* order dated 06.02.2023, and co-accused Amit Kumar Singh has similarly been enlarged on bail by this Court in Bail Application No. 543/2023 *vide* order dated 11.03.2024. It was, therefore, urged that the petitioner, whose role is not greater than that attributed to the other accused, is entitled to the same relief.

14. Learned counsel finally submitted that the applicant has remained in custody since 03.07.2023 and has, thus, undergone a period of about 2 years in judicial custody. The investigation stands concluded, the charges have been framed, and the trial has commenced. It was pointed out that out of 26 witnesses cited by the prosecution, only 12 witnesses have been examined till date, which



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reflects the slow progress of the trial. Learned counsel further placed reliance on the nominal roll dated 20.02.2025, which records the conduct of the petitioner as 'satisfactory'. It was therefore argued that the continued incarceration of the petitioner serves no useful purpose.

Submissions on behalf of the respondent

15. Mr. Raghuvinder Verma, learned APP for the State, opposed the application for grant of regular bail. At the very outset, he submitted that the nature of allegations against the petitioner is extremely grave, involving the brutal murder in broad daylight, thereby shaking the conscience of society. It was urged that the offence is heinous in nature and carries immense impact on public order and security.

16. Learned APP drew attention to the investigation record and submitted that on 02.07.2023, three consecutive PCR calls were received regarding infliction of knife injuries, following which the deceased was declared brought dead at Metro Hospital. The crime team inspected the spot and collected exhibits including blood samples, which were duly sent to the FSL. During investigation, the statement of the complainant Narender Paswan, maternal uncle of the deceased, was recorded, who was an eye-witness to the occurrence. He categorically named the petitioner along with the other three co-accused and attributed to him the specific role of taking a knife from a nearby meat shop and inflicting multiple injuries on the deceased. The learned APP emphasized that this eyewitness account clearly fixes the culpability of the petitioner.



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17. It was further pointed out that another witness, Virender Paswan, also maternal uncle of the deceased, corroborated the prosecution version by stating that he saw the accused persons, including the petitioner, fleeing towards the railway line immediately after the incident. The testimony of these witnesses, it was urged, directly connects the petitioner with the crime.

18. Learned APP also submitted that during the course of investigation, all four accused persons, including the petitioner, were arrested on 03.07.2023. Their clothes, which they were wearing at the time of the incident, were seized and sent for forensic examination. Supplementary charge-sheets have been filed after receipt of the FSL results. The motive of the crime, as disclosed during interrogation, related to a dispute arising out of gambling, where the deceased had allegedly demanded return of money from the petitioner.

19. It was further highlighted that charges under Sections 302/34 IPC have already been framed by the learned Trial Court vide order dated 14.12.2023, and out of 28 cited witnesses, 12 have already been examined. The trial is thus progressing, and the case is at a crucial stage.

20. On the issue of bail, the learned APP submitted that the petitioner is the main named accused and attributed with the act of inflicting multiple knife injuries on the vital parts of the body of the deceased. His role is thus clearly distinguishable from that of the co-accused who have been enlarged on bail. It was contended that if released on bail, the petitioner may attempt to threaten or influence witnesses, particularly as the accused persons and the complainant belong to the same locality. There is also an apprehension that the petitioner may abscond and derail the trial process.



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Analysis

21. Heard learned counsel for the parties and perused the record.
22. The material on record reflects that there are eyewitnesses, scientific evidence, and recovery of the weapon of offence which, at this stage, *prima facie* connect the petitioner to the commission of the murder in question. The prosecution has specifically attributed to the petitioner the role of taking a knife from a nearby meat shop and inflicting multiple injuries upon the deceased. This active participation, as deposed by eyewitnesses, demonstrates that the petitioner was directly responsible for the act of fatal assault.
23. Learned counsel for the petitioner has attempted to emphasise contradictions in the testimonies of the prosecution witnesses, pointing out that PW-1, PW-2, and PW-5 did not support the prosecution story in material particulars and that PW-3, PW-4, and PW-5 failed to identify the alleged weapon. However, the order of the learned ASJ has already recorded that the testimony of PW-3 Anil Kumar, PW-4 Mukul, and PW-6 Narender Paswan clearly indicate the role of the present applicant in giving knife blows on the chest of the deceased. Moreover, as pointed out by the learned APP, both PW-6 Narender Paswan and Virender Paswan, are eyewitnesses who categorically attributed the fatal act to the petitioner.
24. At this juncture, it would be appropriate to advert to the observations made by the Coordinate Bench of this Court in ***Raju v. State & Ors.***⁵, wherein it was held that the scope of consideration in bail matters is confined to examining whether a *prima facie* case exists

⁵ BAIL APPLN. 4455/2024



against the accused and not to undertake a meticulous evaluation of the credibility of witnesses or to resolve alleged contradictions in evidence. Such an exercise, if undertaken at this stage, would prejudice the trial and is impermissible in law. This Court, therefore, refrains from entering into the appreciation of evidence and confines itself to determining the existence of a *prima facie* case.

25. The record further reveals that the chargesheet stands filed, charges under Sections 302/34 of the IPC have already been framed *vide* order dated 14.12.2023, and the trial is presently at an advanced stage with 12 out of 28 witnesses having already been examined. The Hon'ble Supreme Court in *X v. State of Rajasthan*⁶, has held that granting bail to an accused at such a crucial stage of trial, especially in cases involving heinous offences, is impermissible as it undermines the sanctity of the ongoing proceedings.

26. In the overall conspectus of the matter, and having regard to the advanced stage of trial, the gravity of the allegations, the settled position of law governing the grant of bail in heinous offences, and the material placed on record, this Court is not persuaded to exercise its discretion in favour of the petitioner.

27. Accordingly, the present bail application is dismissed. Pending applications, if any, also stand disposed of.

28. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

29. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

SEPTEMBER 02, 2025/AS/yr

⁶ 2024 SCC OnLine SC 3539