



2025:DHC:6211



\$~1

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

+ **BAIL APPLN. 2599/2025**

HONEY TYAGI @ NISHANT BHARDWAJ (IN JC)Petitioner

Through: Mr. Avi Kalra, Mr. Prateek Lakra,
Ms. Sneh Somani, Mr. Devesh Chauhan and
Ms. Preetika Shukla, Advs.

versus

STATE(NCT OF DELHI)

.....Respondent

Through: Mr. Raghuinder Verma, APP for State
with Insp. Sudhir Rathi, PS NIA, Delhi.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

29.07.2025

%

1. The applicant seeks interim bail for four weeks in FIR No. 359/2022 for offences under Sections 302/34/120B IPC and Sections 25/27 Arms Act, registered at PS Narela Industrial Area.

2. Broadly speaking, the prosecution case is as follows. On 07.05.2022, FIR No. 359/2022 was registered under Sections 302 IPC, wherein it was recorded that the incident pertained to the alleged murder of one Brahm Prakash near the crossroad at Firni Road, Khera Khurd Village, Delhi. The deceased was found with visible gunshot injuries, particularly to the head and face, and nine empty cartridges were recovered from the spot. The manner and location of the injuries indicated deliberate use of a firearm with the intent to kill. Local residents present at the scene denied witnessing the



2025:DHC:6211



incident, and no suspects were named in the FIR at that stage.

3. Following investigation, the police concluded that the killing of Brahm Prakash was a premeditated act, arising out of inter-gang rivalry. It was alleged that the murder was orchestrated by one Parvesh Mann @ Pravesh, who was lodged in jail at the time, as a retaliatory act against Kapil Mann, a known affiliate of the rival Gogi gang and the son of the deceased. The chargesheet dated 05.08.2022 was filed under Sections 302/34/120B of the IPC and Sections 25/27 of the Arms Act against several accused including Dev Tyagi, Ankit Tyagi, Amit @ Mittu, Pawan @ Pona, and Parvesh Mann. Honey Tyagi @ Nishant Bhardwaj, who is the present applicant was declared absconding.

4. The prosecution alleges that the applicant was part of the pre-planning stage of the crime. In the month preceding the incident, he purportedly joined the other co-accused persons, where the conspiracy to eliminate Brahm Prakash was allegedly hatched. Although the applicant is not accused of being the assailant, his role is alleged to be that of a facilitator in the broader conspiracy. It was also alleged that the applicant assisted in the reconnaissance of the target.

5. Following the filing of the first chargesheet, the applicant was not apprehended. He was declared a Proclaimed Offender by order dated 15.03.2023. The applicant was later arrested on 28.03.2023 and has been in judicial custody since then.

6. Learned Counsel for the applicant has filed the present interim bail application under Section 528 of BNSS (Section 482 CrPC) on humanitarian grounds, primarily to enable the applicant to attend the last rites and



2025:DHC:6211



religious ceremonies of his paternal uncle and adoptive father, Late Anil Tyagi, who passed away on 29.06.2025 in Satara, Maharashtra, due to renal carcinoma with septic shock. Although the cremation took place on 30.06.2025 in the applicant's absence, it is submitted that, as per prevailing Hindu customs, essential post-funeral rites including *Shraddha*, *Pind Daan*, and the *Terahvi* ceremony are scheduled to be held on 10.07.2025. It is submitted that, although stated date has passed, several other rites and rituals remains pending, for which the applicant's presence is indispensable.

7. It is also submitted by the learned Counsel that the applicant has been in prolonged judicial custody since 28.03.2023, and that other co-accused persons, namely Ankit Tyagi and Dev Tyagi have already been granted bail by this Court *vide* orders dated 13.03.2023 and 18.06.2023, respectively. It is further submitted that the applicant has no prior antecedents, is permanent resident of Delhi, and therefore poses no flight risk or threat of tampering with evidence.

8. *Per Contra*, the learned APP for the State vehemently opposes this application for interim bail, submitting that the primary ground urged by the Applicant, namely the performance of post-cremation rituals such as the *Tehravi* ceremony of his deceased paternal uncle, no longer survives as the said rites have already been concluded.

9. It is further submitted that the applicant is a known associate of a gang and faces a real and imminent threat to his life from rival gang members during any period of temporary release, thereby posing serious security concerns.

10. The learned APP also highlights the risk of witness tampering,



2025:DHC:6211



especially given the stage of trial and the applicant's alleged role in the broader criminal conspiracy.

11. Heard the submissions advanced by both parties and perused the material placed on record. In view of the fact that the post-cremation rituals, including the *Tehravi* ceremony, have already been concluded, the principal ground urged in support of the present application no longer survives. Accordingly, this Court does not find any merit in entertaining the prayer for interim bail at this stage and this application is, therefore, dismissed.

12. It is clarified that the present order is confined solely to the relief sought for interim bail and shall have no bearing on the merits of any pending or future application for regular bail or on the ongoing trial of the applicant.

AJAY DIGPAUL, J

JULY 29, 2025/AS/yr