



2025:DHC:6800



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

% *Date of decision: 24th July, 2025*

+ **BAIL APPLN. 1886/2025**

NARENDER

.....Petitioner

Through: Sh. Rakesh Patiyal, Advocate.

versus

STATE GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for State
with Insp. Mukesh Kumar, PS: Uttam
Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (ORAL)

1. First Bail Application under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS"*) has been filed on behalf of the Petitioner through Parokar-wife seeking bail in FIR No.1027/2018, under Section 302 IPC, registered at PS: Uttam Nagar, Delhi.
2. The Status Report on behalf of the State has been filed today in the Court, which is taken on Record.
3. It is submitted that on the statement of one Kasim FIR No.1027/2018, was registered under Section 302 IPC at Police Station: Uttam Nagar, Delhi. The Petitioner was arrested on 01.11.2018. After completion of investigations, Chargesheet was filed in the Court. On 03.12.2019, charges were framed under Section 302 IPC. Statements of material witnesses have also been recorded.



4. Petitioner has been in judicial custody for the last 06 years and 08 months and till date, only six witnesses have been examined by the Prosecution. The Petitioner had filed an Application under Section 439 Cr.P.C. before the learned Sessions Court, which was dismissed vide Order dated 13.02.2025 on the premise that matter is at the stage of prosecution evidence and FSL result qua CCTV footage is still awaited.

5. It is submitted that despite more than 6.5 years, FSL report in respect of CCTV footage is still not available. The Prosecution has relied on 27 witnesses. The Supplementary Chargesheet would be filed on obtaining the FSL report, which may further delay the trial. There is no likelihood of tampering the evidences or threatening the witnesses. The Petitioner undertakes to abide by terms and conditions that may be imposed and therefore, prayer is made that he may be granted bail.

6. **Status Report** has been filed on behalf of the State, wherein it has been stated that on 01.11.2018 a written Complaint was received from Kasim, who reported that he was working as a Watchman at Subzi Mandi along with the deceased Mansoor. On the intervening night of 31.10.2018 and 01.11.2018, while Mansoor was on duty, at about 12:30 AM, Complainant's wife got a call from Mansoor that Narender (Petitioner herein) was at the Gate, using abusive language and forcibly asking him to open the gate of Mandi and also attempting to break the same. Complainant told him not to open the gate and that Narender would leave after some time.

7. On the next date, i.e. 01.11.2018, at about 05:30-06:00 AM, he went to Subzi Mandi, where he found that Mansoor covered in blood. He immediately called the PCR. Thereafter, Mansoor was taken to DDU



Hospital and FIR under Section 308 IPC was registered. He was thereafter, taken to Safdarjung Hospital. The Post-Mortem was conducted and cause of death was opined “*due to Cranio-cerebral damage as a result of ante-mortem injury sustained to the head due to blunt force/surface impact*”. Section 302 IPC was thus, added to the FIR. Narender (Petitioner herein) was arrested on the same day, i.e. 01.11.2018.

8. During the investigations, blood stained cloths, blanket and iron folding rod were recovered from the scene of crime. CCTV footage was also collected and sent to FSL, result of which is awaited. The chargesheet already stands filed under Section 302 IPC and 27 prosecution witnesses are to be examined, out of which 07 have been examined.

9. *The Bail Application is opposed on the **ground*** that the Petitioner is facing a serious and heinous offence punishable with death or life imprisonment. The evidence collected during the investigations, fully supports the charge of murder. The Petitioner was seen at the scene of crime and the chain of circumstances strongly points towards the commission of the offence by the Petitioner.

10. It has also been submitted that the Petitioner was previously involved in another case bearing FIR No.0293/2007 dated 05.04.2007, under Sections 302/34 IPC registered at PS: Uttam Nagar, Delhi, wherein he was convicted and sentenced to life imprisonment under Section 302 IPC by the learned Sessions Court, though this conviction was modified to Section 326 IPC by this Court in CRL.A.1165/2010. Bail is therefore, opposed.

11. Submissions heard and record perused.

12. Though the Petitioner is in judicial custody since 01.11.2018, it



2025:DHC:6800



cannot not be overlooked that he was earlier convicted in FIR No.0293/2007 under Sections 302/34 IPC, though the sentence was converted to Section 326 IPC by this Court in CRL.A.1165/2010.

13. Considering the background that the Petitioner was earlier convicted under similar offence, the possibility of his fleeing from justice or of not committing a crime afresh cannot be ruled out. Looking at the gravity of the offence and evidence on record, it is not a fit case for bail.

14. There is no merit in the present Bail Application, which is hereby dismissed. Pending Application, if any, also stands disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

JULY 24, 2025/R