



2025:DHC:7320



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

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Date of decision: 25th August, 2025

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BAIL APPLN. 757/2025

RAJ KUMAR

S/o Nand Lal
R/o Jhuggi No.A-192,
Village Bhadola, New Delhi.

.....Petitioner

Through: Counsel for Petitioner (appearance
not given).

versus

THE STATE (NCT OF DELHI)

Through its SHO
P.S. Mahendra Park.

.....Respondent

Through: Mr. Utkarsh, APP for the State with
Insp. Harkesh Meena

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. An Application under Section 483 BNSS has been filed on behalf of the Applicant Raj Kumar for grant of Regular Bail in case FIR No.1006/2023 under Section 302/34 IPC registered at Police Station Mahendra Park.
2. It is submitted that the Applicant is in Judicial Custody since 26.10.2023 and the case is pending before the learned Sessions Judge for recording of Prosecution Evidence.
3. It is the submitted that the investigation qua the Applicant is



complete; Chargesheet has already been filed and there is no possibility of tampering with evidence by the Applicant and that no purpose would be served by keeping him in Judicial Custody. He had filed an Application for Bail, which was been dismissed by learned ASJ, Delhi vide Order dated 21.12.2024 stating that FSL Report of CCTV footage of the incident has not been received till date.

4. The *brief facts* of the case are that on 26.10.2023, an information received vide DD No.14A, P.S Mahendra Park, regarding injured Rajesh being admitted in BJRM Hospital by his friend Varun Yadav. He died during his treatment and his MLC was collected. ASI Ijaj Ali tried to trace the eye witnesses, but none could be found on the spot. The FIR, therefore, registered on the DD entry itself.

5. During further investigations, no eye witness could be traced, but statements of witnesses Varun Radav, Mitthan and Rajiv Yadav were fabricated to falsely implicate the Applicant.

6. The examination-in-chief of Prosecution witnesses Varun Yadan and Mitthan have been recorded in part who have declined that they were the eye witnesses of the alleged incident.

7. There are four other accused persons namely Anshu, Bobby @ Babbi, Raj Kumar and Shahid. The alleged recovery of the case property from co-accused Anshu, but nothing was recovered from the Applicant.

8. In the case of Narender Singh and Anr. vs. State of M.P (2004) 10 SCC 699 and S. Ganesan vs. Rama Raghuraman (2011) 2 SCC 83 the Supreme Court held that every accused is presumed to be innocent, unless his guilt is proven.

9. The Applicant has clean antecedents and had never been involved in



any type of criminal activity. The case against him had been fabricated without any substance or evidence. He has thus, sought regular Bail in the present case.

10. The **Status Report** has been filed on behalf of the State, wherein the registration of the FIR and the investigations carried out therein resulting in filing of Chargesheet, has been narrated. The Doctor in the Post Mortem has opined the cause of death “as haemorrhage and shock consequent to Injury No.3 which is sufficient to cause death in ordinary course of nature”. The injuries were stated to be ante mortem and fresh. All injuries were caused by sharp pointed weapon.

11. During the investigations, statements of four eye witnesses were recorded who deposed about the manner of crime. The CCTV camera installed at Shop No.A-243 covered the incident partially as one boy was seen stabbing the deceased while other three were seen covering him. On the identification of eye witnesses, CCLd namely “A”, “B” and “S” were apprehended and Applicant Raj Kumar was also arrested.

12. There are 25 Prosecution Witnesses, out of which two witnesses have been examined. The evidence of the eye witnesses, is yet to be recorded. The Bail Application is opposed on the grounds that the allegations against the Applicant are grave and serious in nature; that he is the main accused and if he is released on Bail, he may jump it. Moreover, he may induce, threaten or promise the witnesses acquainted with the facts of the case so as to dissuade them from disclosing the true facts in the Court.

Submissions heard and record perused.

13. Essentially, the evidence against the Applicant is of the eye witnesses, the CCTV Footage, CDR record showing the connectivity and the recoveries



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that have been effected. The testimony of the brother of the accused has been recorded, who has supported the case of the Prosecution. The case of the Prosecution rests not only on the testimony of the eye witnesses, but also supporting corroborative evidence as mentioned above. The accused is in Judicial Custody since 26.10.2023. The trial is proceedings at the regular pace.

14. Considering the gravity of the offence, no case is made out for grant of Bail. The Application is, therefore, dismissed and stands disposed of accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

AUGUST 25, 2025

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