



2025:DHC:9453



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

% **Reserved on: 10th October, 2025**

Pronounced on: 29th October, 2025

+ **BAIL APPLN. 2379/2025**

SHEKHAR

S/o Dharamveer

R/o Village Bupania,

District Jhajjar, Haryana

.....Petitioner

Through: Mr. Daljeet Singh Solanki, Mr. Vinod
Suhag, Mr. Abhishek Yadav,
Ms. Jyoti and Mr. Sanjeet Yadav,
Advocates

versus

THE STATE GOVT OF NCT OF DELHI

Represented through

Station House Officer (S.H.O.)

PS Bawana, New Delhi

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. **Regular Bail Application** under Section 439 of the Code of Criminal Procedure (*hereinafter referred to as "Cr.P.C."*) read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita (*hereinafter referred to as "BNSS"*) has been filed by the **Applicant/Shekhar** in FIR No. 487/2018 under Sections 302/120-B/34 of the Indian Penal Code (*hereinafter referred to as "IPC"*) and Sections 25/27 of the Arms Act, 1959, registered at P.S. Bawana.



2. **Briefly stated**, on the evening of 26.12.2018 at about 07:30 PM, the **victim, Manoj Kumar**, resident of Bawana and known to have a criminal background, was shot dead near Bawana Chowk. The victim sustained a gunshot wound in the head and was declared “*Brought Dead*” at M.V. Hospital, Pooth Khurd, Delhi. A PCR call was received on 26.12.2018, and the FIR No. 487/2018 was registered under Section 302 IPC and 25/27 Arms Act at PS Bawana.
3. The initial investigation found a lot of blood, an empty cartridge (KF 7.65), and a lead (bullet) on the road and footpath. No immediate eyewitnesses or CCTV footage provided a clue. The victim was a known criminal associated with Neeraj Bawania gang. The investigation revealed that the murder was suspected to be due to an ongoing gang rivalry, allegedly orchestrated by jailed gangster **Rajesh @ Karamveer**.
4. **Manoj’s son, Bhavik**, told the police that he saw two suspicious cars (a Creta and an I-20) with 10-12 boys roaming near his father’s office, just before the incident. Bhavik overheard one of his father's acquaintances, Ravi @ Mania, cautioning his father to remain careful of the Rajesh Bawania Gang.
5. During an unrelated investigation in FIR No. 55/2019 at PS Rohtak Sadar, Haryana Police arrested *Akshay @ Rinku, Sanjeet, and Sandeep @ Mistry* for possessing illegal arms. During interrogation, these individuals, along with later-arrested co-accused, allegedly confessed to their involvement in the Bawana murder.
6. The suspects disclosed that the murder was carried out using the two stolen cars. **Shekhar (the Applicant), Sandeep, Mohit, Ravi, Arjun, and Deepak were in the Creta car**, while the I-20 car contained the shooter,



Ritik @ Master, along with Sagar, Manish, Akshay, and Sanjeet. Ritik allegedly carried out the shooting

7. The Applicant/Shekhar, was formally arrested on **16.04.2019**, and has since been in judicial custody. The murder weapon (a pistol and cartridges) was later recovered on the instance of the shooter/Ritik @ Maser, from a *Shamshan Ghat* (cremation ground) near Sampla. No weapon was recovered from the Applicant.

8. The alleged mastermind, **Rajesh @ Karamveer**, was **not charge-sheeted** due to insufficient evidence, as the only evidence against him was the disclosure statements of the accused and his own version. His name was placed in Column No. 12 of the charge sheet.

9. The Applicant's Bail Application was dismissed by the Ld. ASJ on 29.05.2025 on the grounds of the gravity of the offence, the Applicant's alleged association with the Rajesh Bawania gang, and the fact that the key eye-witness, Bhavik is under threat and given police protection, as reasons for the dismissal.

10. **The Applicant sought regular Bail primarily on the grounds of parity** with Co-accused Sandeep @ Bunty and ***long incarceration***.

11. It is submitted that the Co-accused Sandeep, who was allegedly assigned the same role as the Applicant, was granted Bail by this Court on 28.04.2025. It is further submitted that the Applicant he has been in custody for more than 6 years without the trial being concluded, and his long incarceration is violative of his fundamental right to a speedy trial.

12. It is stated that the case against the Applicant is allegedly based only on the *disclosure statements of co-accused*, which are not admissible in evidence unless corroborated by independent evidence. Further, that there is



no CCTV, electronic evidence, weapon recovery, CDR records, or forensic evidence linking the Applicant to the crime.

13. Furthermore, the Applicant was acquitted in the unconnected FIR No. 55/2019 at P.S. Sadar Rohtak by the ASJ, Rohtak, on 21.04.2025.

14. In the instant case, the Applicant was granted interim Bail twice (in 2020 and 2023) and never breached the conditions imposed.

15. *Thus, it is prayed that the Bail be granted.*

16. ***The Bail Application has been strongly opposed by the learned APP for the State***, on the ground that the allegations concern a planned murder executed, as part of a gang rivalry. The Applicant is stated to be an active member of the Rajesh Bawania gang.

17. Bhavik, the son of the deceased Manoj, is an eyewitness who had reported seeing two suspicious cars (a Creta and an I-20) roaming near his father's office shortly before the incident. Bhavik later identified the Applicant/Shekhar, as a person who was in the **Creta car** on the day of the incident during his Police Custody remand, even though the Applicant had *refused to participate in the Test Identification Parade (TIP)*. The key public witness, Bhavik, is currently under threat and has been provided with a PSO/police escort for his safety.

18. It is thus argued that, this direct identification by an eye-witness constitutes *prima facie incriminating material* that distinguishes the Applicant's case as it does not rest solely on disclosure statements.

19. It is submitted that the trial is at the stage where the testimony of this crucial witnesses, is still being recorded. Releasing the Applicant at this juncture carries a *high risk of intimidation or tampering with evidence*, thus impeding the judicial process.



20. On the ground of parity, it is argued that while co-accused **Sandeep @ Bunt** was granted Bail in Bail Appl. 2931/2024 on 28.04.2025 on the ground that *no other evidence* except a confessional statement connecting him to the offence. However, the Applicant's case is distinguishable as it involves a live threat to a key eye-witness Bhavik, a factor deemed significant by the Ld. ASJ when dismissing the previous Bail Application.

21. The principle of parity must be balanced with the safety of witnesses and the need for a fair trial.

22. *Thus, it is prayed that the present Bail Application be dismissed.*

Submissions heard and record perused.

23. Before assessing the contentions of the Applicant for grant of Bail, it is imperative to take note of the observations of the Apex Court in the case of Prasanta Kumar Sarkar vs. Ashis Chatterjee, (2010) 14 SCC 496, wherein it was held that while emphasising that it is incumbent *upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point*, **it also succinctly laid down the parameters that have to be considered for grant of Bail as following:**

- (i) *whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) *nature and gravity of the accusation;*
- (iii) *severity of the punishment in the event of conviction;*
- (iv) *danger of the accused absconding or fleeing, if released on bail;*



(v) character, behaviour, means, position and standing of the accused;
(vi) likelihood of the offence being repeated;
(vii) reasonable apprehension of the witnesses being influenced; and
(viii) danger, of course, of justice being thwarted by grant of bail.”

24. On these parameters, the case of the Applicant for Bail may be considered.

25. The allegations against the Applicant/**Shekhar** are of a grave nature, involving **murder** as a member of a **conspiracy** arising from a gang rivalry, between Rajesh Bawania and Neeraj Bawania. The Chargesheet states that the Applicant was in the Creta car, one of the two vehicles allegedly used in the crime, and was identified by the main public witness, **Bhavik** (son of the deceased) during police custody, as one of the persons sitting in the Creta car, on the day of the incident.

26. **Firstly**, the record indicates that the prime public witness, Bhavik, who is cited as an **eye-witness** and is currently under examination, has apprehended **threats** and has been provided with Police Security Officer (PSO) protection and police escort for court appearances. Granting Bail at this stage could pose a risk of the accused influencing or threatening the witness. It is premature to grant Bail when the critical testimony is yet to be completed.

27. **Secondly**, the Applicant sought Bail on the ground of parity, as co-accused Sandeep @ Bunt was granted Bail by this Court on 28.04.2025. However, the impugned Order rightly notes that the gravity of the offence and the threat to the witness, preclude the grant of Bail at this stage. The



relief of parity is a consideration, not a mandate, especially when the core evidence and the risk of tampering of evidence, remains palpable significant.

28. **Thirdly**, the Applicant has been in Judicial Custody since his formal arrest on 16.04.2019. While the duration of custody is a relevant factor, however in the light of the grave nature of the offence i.e. murder in a gang-related incident and the live and persistent threat to the key public witness, this ground is outweighed by the potential prejudice to the Prosecution.

29. In Gurwinder Singh vs. State of Punjab, (2024) 5 SCC 403, the Apex Court has observed that mere delay in trial in grave offences cannot be used as a ground to grant Bail. It further observed that Bail must be rejected as a ‘rule’, if after hearing the public prosecutor and after perusing the final report or Case Diary, the Court arrives at a conclusion that ***there are reasonable grounds for believing that the accusations are prima facie true***. It is only if the test for rejection of Bail is not satisfied – that the Courts would proceed to decide the bail application in accordance with the ‘***tripod test***’ i.e. *flight risk, influencing witnesses, tampering with evidence*.

30. As held by this Court recently in Tasleem Ahmed vs. State (NCT of Delhi), 2025:DHC:7659-DB, delay cannot be the sole factor for the grant of Bail, especially when the gravity of the offence or the role played by the accused is significant.

31. **Fourthly**, the arguments regarding lack of electronic/CCTV evidence, reliance solely on disclosure statements, and non-recovery of the weapon from the Applicant, are aspects for the Trial Court’s final consideration of evidence and are not sufficient to grant regular Bail at this crucial stage of the trial.



32. **Lastly**, the argument regarding non-communication of grounds of arrest “in writing” has been rightly rejected by the Ld. ASJ in the light of observations made in Vihaan Kumar vs. State of Haryana & Anr., 2025 INSC 162 wherein the Apex Court had observed that while it is not legally required to provide the grounds of arrest in writing, doing so causes no harm. It was observed as under:

“Therefore, there is no harm if the grounds of arrest are communicated in writing. Although there is no requirement to communicate the grounds of arrest in writing, what is stated in paragraphs 42 and 43 of the decision in the case of Pankaj Bansal are suggestions that merit consideration. We are aware that in every case, it may not be practicable to implement what is suggested. If the course, as suggested, is followed, the controversy about the noncompliance will not arise at all.”

33. The essential requirement is communication in a language understood by the accused, which need not strictly be in writing. Moreover, the Applicant has not argued that the grounds of arrest were not communicated at all; the only contention raised is that the grounds of arrest were not communicated in writing.

34. Considering the gravity of the offence, the direct eye-witness identification of the Applicant, and the prevailing threat to the key public witness, the potential prejudice to the Prosecution and the integrity of the trial process, outweighs the grounds raised by the petitioner, including the duration of custody and the Bail granted to the co-accused.

35. In light of the foregoing reasons, the Applicant is held not entitled to Bail.



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36. It is made clear that any observations made hereinabove are not an expression on the merits of the case. It is further clarified that these observations shall not, in any manner, influence the trial before the learned Trial Court, as they have been made solely for the purpose of examining the Bail Application of the Applicant.

37. Accordingly, in the facts and circumstances of the present case, and in view of the foregoing discussion and analysis, the present Bail Application is **dismissed**.

38. Pending Application(s), if any, are accordingly disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 29, 2025/R