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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 28.07.2025*+ **BAIL APPLN. 1306/2025****SHER SINGH RAWAT**

.....Petitioner

Through: Mr. Sanjiv K. Jha and Mr.  
Sachin Bhatt, Advocates

versus

**STATE NCT OF DELHI**

.....Respondent

Through: Mr. Manoj Pant, APP for the  
State with Inspector Nagender  
Nagar, PS Saket**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J (ORAL)**

1. By way of this application, the applicant is seeking grant of regular bail, in case arising out of FIR bearing no. 342/2022, registered on 26.08.2022, at Police Station Saket, District-South, Delhi, for the offence punishable under Section 302/34 of Indian Penal Code (hereafter '*IPC*').

2. Brief facts of the present case are that the present FIR was registered on receipt of a complaint and statement of one Arun Kumar Sah (the brother of the deceased Arvind Sah). As per complaint, the deceased had been working at Concor Container



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Depot, Tughlakabad, Delhi, and used to return home around 11:00–11:30 PM daily. However, on 24.08.2022, the deceased had not returned home. Despite extensive search efforts by the family, they had neither been able to trace his whereabouts nor establish contact, as his mobile phone was found to be switched off. On 25.08.2022, the complainant had received information that his brother Arvind was lying unconscious on the road opposite Mother Dairy, Pushp Vihar. He had immediately rushed him to Max Hospital, where he was declared ‘brought dead’. The information regarding the MLC had been received at the police station *via* DD No. 16A. Subsequently, on the same day, after the cremation of the deceased, the complainant had made inquiries in the locality and came to know that on the intervening night of 24/25.08.2022, the deceased had been assaulted by the present applicant Sher Singh Rawat, co-accused Ritik @ Anshul, and two other unidentified persons near Sector-4, Pushp Vihar, at the very spot where the body had later been found. Based on this information, the present FIR had been registered.

3. During the course of investigation, it emerged that the incident had been witnessed by several persons, including Shiv Kumar (a barber), Surender Kumar Saini (a hawker), Babu Ram Thapa (a security guard), and one Vishnu Biswas, a Swiggy delivery agent. Their statements were recorded under Section 161 of Cr.P.C. The witnesses Shiv Kumar and Surender Saini had informed the police that on the night of 24.08.2022, at around 10:30–11:00 PM, an altercation had broken out between the deceased and the accused



persons Sher Singh and Ritik. All parties were allegedly under the influence of alcohol. The situation had escalated into a physical scuffle, which had prompted the witnesses to shut down their stalls and leave the spot. Security guard Babu Ram Thapa and Swiggy delivery boy Vishnu Biswas had further corroborated the incident. Vishnu Biswas, in particular, had informed the police that when he had gone to deliver an order near Sector-4, Pushp Vihar, he had seen two persons assaulting an individual near a barber's stall, opposite the Mother Dairy booth. He had specifically noticed that one of the assailants was elderly, and another was wearing a cap. When the victim had fallen to the ground, the older assailant (later identified as the present applicant) had initially walked towards Vishnu's bike, but had then turned back and resumed the assault. Vishnu had then removed the key from a motorcycle parked nearby, bearing registration number DL 3SEY 5759, which was later confirmed to belong to the applicant Sher Singh. He had subsequently handed over the key to the Investigating Officer (I.O.) and had also disclosed the bike number in his police statement. During further investigation, CCTV footage from the vicinity was obtained and analyzed. Based on the footage and witness statements, the remaining co-accused persons were arrested. A charge sheet had been filed after completion of investigation.

4. The learned counsel appearing on behalf of the applicant submits that the present case is based on false and concocted allegations, and that the applicant has been falsely implicated. It is



argued that the electronic evidence, including the CCTV footage and Call Detail Records (CDRs), do not support the prosecution version in any material particular. The learned counsel further submits that even the deceased was under the influence of alcohol at the time of the incident, and that the prosecution's case is based largely on hearsay and unreliable testimony. It is contended that PW-1 Arun Kumar Sah, who is the brother of the deceased and the complainant in the case, had made a hearsay statement before the Court, which cannot be relied upon as substantive evidence. Additionally, it is pointed out that key prosecution witnesses, i.e. PW-5, PW-6, and PW-7, have not supported the prosecution's case during trial. The testimony of PW-8, it is argued, is also insufficient and vague, as he has not made any significant statement regarding the alleged scuffle. It is further submitted that one of the co-accused in the present case, i.e. Sonu @ Addu, has already been granted bail, and therefore, the applicant be also granted regular bail as he has been in judicial custody for about 02 years and 10 months.

5. On the other hand, learned APP for the State opposes the bail application and submits that there is sufficient material on record to *prima facie* establish that the applicant, along with his co-accused, had mercilessly assaulted the deceased, resulting in his death. Though it is conceded that certain eye-witnesses have resiled from their earlier statements and have not fully supported the prosecution version during trial, the State relies heavily on the testimony of one witness i.e. Vishnu Biswas, a Swiggy delivery agent who has clearly



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described the incident and identified the applicant as one of the persons involved in the assault. It is further submitted by the learned APP that the presence of the applicant at the scene of occurrence is corroborated by CCTV footage from the vicinity, as well as his CDRs. It is thus argued that there is sufficient material to establish the involvement of the applicant in the alleged offence at this stage. Thus, it is prayed that the present bail application be dismissed.

6. This Court has considered the rival submissions and has perused the material available on record.

7. In the present case, the testimony of PW-8, which has been brought to the notice of this Court by the learned APP for the State, assumes critical importance at this stage. PW-8 Vishnu has clearly and categorically deposed against the present applicant, and has assigned him a specific and active role in the commission of the offence. He has deposed that the applicant, along with the co-accused Ritik, had mercilessly assaulted the deceased. It is further noted that PW-8 has also successfully identified the applicant before the learned Trial Court.

8. The CCTV footage obtained from the area further corroborates the prosecution's case. As per the footage dated 24.08.2022, at around 11:01:50 PM, Swiggy delivery agent Vishnu (PW-8) can be seen removing the key from a motorcycle identified as belonging to the present applicant. Subsequently, at 11:40:15 PM, the applicant himself can be seen heading towards the location of the incident, as



captured in the CCTV footage. This electronic evidence, therefore, lends considerable support to the ocular version of PW-8 and places the applicant at or near the scene of crime.

9. While it is true that three public witnesses have turned hostile during the course of trial and have not supported the prosecution version in material terms, the CDRs and location analysis of the mobile phones of those witnesses, as well as of PW-8, indicate that they were indeed present in the vicinity of the crime scene at the relevant time. Additionally, the mobile phone of the present applicant was also traced to the location of the incident at the time of incident.

10. Furthermore, the post-mortem report of the deceased reveals that the cause of death was “shock and hemorrhage due to blunt force impact.” All injuries have been opined to be ante-mortem in nature. A closer analysis of the report reveals extensive internal injuries, i.e. the deceased had sustained multiple rib fractures: 4th, 5th, and 6th ribs on the right side in the anterior axillary line, and the 1st, 5th, 6th, and 7th ribs on the left side, with accompanying extravasation of blood in the surrounding tissues. The brutality and severity of the assault, as reflected in the medical evidence, is thus grave and serious.

11. As regards the plea of parity raised on behalf of the applicant, this Court is of the opinion that the role attributed to the co-accused Sonu Kumar who has been granted bail is distinguishable from that of the present applicant. The degree of involvement and the nature of



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overt acts alleged against the applicant are considerably more serious.

12. As held by the Hon'ble Supreme Court in *X v. State of Rajasthan: 2024 SCC OnLine SC 3539*, in cases involving serious offences like rape, murder, dacoity, etc., the Courts should be loath in entertaining the bail application - once the trial commences and the prosecution starts examining its witnesses.

13. Thus, having considered the gravity of the offence, the nature of evidence collected during investigation and placed on record so far, which clearly reflects the involvement of the accused *prima-facie* in the murder of the deceased, this Court is of the view that no ground for grant of regular bail is made out at this stage.

14. Accordingly, the present bail application is dismissed.

15. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case

16. The order be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**JULY 28, 2025/zp**