



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

Reserved on: 13th October, 2026
Pronounced on: 17th October, 2026
Uploaded on: 17th October, 2026

CNR No. DLHC010296942026
 + **BAIL APPLN. 2655/2026**

KARAN RAI Petitioner

Through: Mr. Prashant Mendiratta, Ms. Aditi Chaudhary, Mr. Aayush Mitruksha, Mr. L. Shively, Ms. Lisa Mishra, Ms. Sakshi Jain, Ms. Vaidhi, Advocates.

versus
STATE (NCT OF DELHI) Respondent

Through: Mr. Yudhvair Singh Chauhan, APP for the State with Mr. Narender Kumar, Advocate along with Insp. Rakesh Kumar, PS Tughak Road.
 Ms. Pallavi Garg, Advocate (DHCLSC) with Ms. Prakriti, Advocate for Complainant.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. The Applicant, Karan Rai, seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023,¹ in FIR No. 53/2023, registered under Section 302 of the Indian Penal Code, 1860 at P.S. Tughlak Road. Upon completion of the investigation, a chargesheet was filed against the Applicant

¹ "BNSS"



for offences under Sections 302, 120-B and 34 of the IPC and Section 27 of the Arms Act, 1959². His earlier applications for regular bail were dismissed by the Sessions Court on 1st October, 2024 and 1st June, 2026. An application preferred before this Court was withdrawn on 19th February, 2025, with liberty to approach the Court again.

2. The prosecution case arises from an incident on 16th April, 2023, near Khan Market, in which Akash, aged about 19 years, sustained multiple stab injuries and was subsequently declared brought dead at RML Hospital. According to the prosecution, the incident arose from longstanding hostility between two groups. Following an earlier altercation, the accused allegedly planned to attack members of the rival group. On the evening of the incident, several persons assembled near Sujjan Singh Park and proceeded towards Khan Market, where the deceased was assaulted and stabbed. The Applicant is alleged to have participated in planning the attack, thrown a brick towards the deceased and restrained him during the assault, thereby facilitating the acts of the other assailants.

3. Mr. Prashant Mendiratta, counsel appearing for the Applicant, submits that the Applicant has been in custody since 17th April, 2023, and that his continued incarceration is unwarranted, particularly when the trial has made little progress. He submits that no stab injury is attributed to the Applicant and no weapon of offence has been recovered from him. The allegation that he threw a brick towards the deceased or restrained him during the assault is disputed, and the CCTV footage relied upon by the prosecution does not capture the actual incident. He submits that the footage merely depicts the

² “Arms Act”



movement of several persons in the vicinity and does not establish the Applicant's participation in the assault or any common intention to commit murder. The allegation of conspiracy is also questioned, particularly insofar as it is sought to be founded upon disclosure statements of the accused.

4. Counsel further submits that the prosecution case rests substantially upon an alleged oral dying declaration made by the deceased while being taken to hospital in an auto-rickshaw. He questions its reliability, pointing out that the deceased was stated to be semi-conscious when removed from the spot and that the names of the alleged assailants do not appear in the FIR or the hospital record. Neither the registration number of the auto-rickshaw nor the particulars of its driver were recorded, and the driver has not been examined. Counsel further points out that the clothes of PW-1 Raja and PW-2 HC Amit were not seized during the investigation. PW-2 specifically stated in his cross-examination that his clothes were not stained with blood while he was assisting in lifting the injured and taking him to the hospital. These circumstances are also relied upon to question the surrounding circumstances in which the alleged oral dying declaration is stated to have been made.

5. Mr. Mendiratta further submits that PW-1 Raja admittedly did not disclose the names of the accused to the investigating officer at the hospital, while PW-2 HC Amit acknowledged that he neither recorded the names allegedly disclosed by the deceased nor conveyed that information to the attending doctor. He also draws attention to PW-1's admission that, two days after the incident, the deceased's family gave an interview to ABP News in his presence, attributing the murder to one Abhishek following an earlier dispute. It is submitted that these circumstances raise substantial questions concerning the alleged declaration, which cannot be overlooked merely



because PW-1 and PW-2 have supported it in their testimony.

6. Mr. Mendiratta also refers to the depositions of PW-3 to PW-6. He submits that PW-3 Vinod Kumar and PW-5 Imran did not witness the assault or identify the assailants, PW-6 Brijesh Shukla has not supported the prosecution's account, and PW-4 Mohd. Saleem, although claiming to have witnessed the stabbing, could not identify the assailants. None of these witnesses has attributed any act of assault to the Applicant. It is further submitted that the investigation stands completed, the chargesheet and supplementary chargesheet have been filed, and the material evidence has already been secured. Of the 58 prosecution witnesses cited, only a small number have been examined, making an early conclusion of trial unlikely. The Applicant is a permanent resident of Delhi, has family ties in the city and is pursuing his graduation. He was earlier released on interim bail for his examinations and surrendered within the stipulated period without any allegation of interference with witnesses or misuse of liberty. Counsel submits that the apprehension of witness intimidation is unsupported by any specific incident and that appropriate conditions would adequately secure the Applicant's presence and the fairness of trial. Relying upon the presumption of innocence, the right to speedy trial under Article 21 and the decisions cited in the application and before the Sessions Court, he urges that further detention would serve no useful purpose.

7. Mr. Yudhvair Singh Chauhan, APP for the State, supported by Ms. Pallavi Garg, counsel for the Complainant, opposes the application. It is submitted that the incident was a planned attack arising from an existing rivalry and that the Applicant played an active role in its execution. Particular reliance is placed upon the testimony of PW-1 Raja and PW-2 HC Amit, both



of whom have deposed that the deceased specifically named Karan Rai, Vishal @ Gabru, the child in conflict with law and their associates while being taken to hospital. It is further pointed out that PW-1 has identified the Applicant in the CCTV footage played during trial. The prosecution also relies upon footage from the vicinity of Gopal Mandir, showing the movement of the group towards the place of occurrence and its departure thereafter, and attributes a leading role to the Applicant. Reference is made to call detail records, the alleged prior conspiracy and an earlier FIR under Section 324 IPC against him. The State apprehends that his release may result in intimidation of witnesses, particularly those concerning the alleged conspiracy who are yet to be examined.

8. The Court has considered the rival submissions and examined the material placed on record. The allegations concern the death of a young man in what the prosecution describes as a planned attack by several persons acting together. In considering an application for bail in a case of this nature, the Court must assess the gravity of the accusation, the *prima facie* material connecting the Applicant with the offence, his antecedents, the possibility of interference with witnesses and the likely duration of trial. This assessment does not call for a detailed examination of the evidence or a determination of its ultimate reliability. At the same time, the seriousness of the offence, by itself, cannot justify continued detention.

9. In the present case, the material relied upon by the prosecution is not confined to the Applicant's alleged presence near the place of occurrence. PW-1 Raja and PW-2 HC Amit have both deposed that the deceased specifically named Karan Rai, along with other persons, while being taken to hospital. Despite cross-examination, both witnesses have maintained that the



deceased made such a disclosure. PW-1 has also identified the Applicant in the CCTV footage played before the Trial Court. Although the footage, as per the prosecution, does not capture the actual assault, it is relied upon to establish the movement of the Applicant with the group towards the place of occurrence and their departure thereafter. The Applicant is also alleged to have participated in planning the attack, thrown a brick towards the deceased and restrained him while the other assailants inflicted injuries. These circumstances must be considered together, rather than in isolation.

10. The Court has also considered the submissions questioning the reliability of the alleged dying declaration. The omission of the assailants' names from the earliest police and hospital records, the absence of particulars of the auto-rickshaw and its driver, PW-1's admission that he did not disclose the names to the investigating officer at the hospital, and PW-2's admission that he neither recorded the names nor conveyed the deceased's disclosure to the attending doctor, are matters which require examination. The circumstances surrounding the subsequent televised interview, in which the deceased's family attributed the murder to another person, also warrant scrutiny. These circumstances are not inconsequential. Nevertheless, an oral dying declaration is not rendered inadmissible merely because it was not recorded by a doctor or reproduced in the contemporaneous records. Whether the declaration was made in the manner alleged, and the weight to be attached to it in the light of the omissions and inconsistencies brought out in cross-examination, are questions for trial. At this stage, the Court cannot disregard the testimony of two witnesses who specifically claim to have heard the deceased identify the Applicant, particularly when the prosecution also relies upon other material concerning his movements and alleged participation in



the attack.

11. The Applicant's alleged role must also be considered in the context of Sections 34 and 120-B IPC. The prosecution does not merely allege that he accompanied the other accused. It attributes to him participation in the planning of the attack and an active role in preventing the deceased from escaping while the assault was carried out. If established, such conduct may attract criminal liability notwithstanding that no stab injury is personally attributed to him. Whether the prosecution ultimately succeeds in establishing the alleged common intention or conspiracy is a matter for trial. For the present, however, the specific allegations against the Applicant, the testimony of PW-1 and PW-2 and the accompanying material provide a *prima facie* basis for considering his involvement in the alleged offence.

12. The Court is conscious that the Applicant has undergone more than three years of incarceration and that the trial has progressed slowly, with a substantial number of prosecution witnesses yet to be examined. His compliance with the conditions imposed during an earlier period of interim bail is also a circumstance in his favour. These considerations deserve weight, particularly in assessing whether further detention is necessary. However, they must be balanced against the material specifically implicating him, the nature of his alleged participation and the fact that witnesses concerning motive and conspiracy remain to be examined. The earlier FIR under Section 324 IPC referred to by the State has also been considered. Its final status is not conclusively established on the material before the Court, and no inference of guilt is drawn from its registration.

13. Having considered the circumstances in their entirety, the Court is not persuaded that a case for grant of regular bail is presently made out. The



application is accordingly dismissed. Having regard to the period already spent by the Applicant in custody, the Trial Court is requested to make every endeavour to expedite the recording of prosecution evidence, particularly that of the remaining material witnesses, and to avoid unnecessary adjournments. It is clarified that the observations made herein are confined to the present bail application and shall not influence the Trial Court's independent appreciation of the evidence.

14. The application stands disposed of accordingly.

SANJEEV NARULA, J

OCTOBER 16, 2026/ab