



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

Reserved on: 13th October, 2026
Pronounced on: 17th October, 2026
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CNR No. DLHC010356772026

+ **BAIL APPLN. 3138/2026 & CRL.M.A. 23679/2026**

SOURAB RAWAT

.....Petitioner

Through: Mr. Sandeep Mishra, Mr. Surbhit Nandan, Mr. Ayush Vardhan, Mr. Ayush Sharma, 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.

CNR No. DLHC010366052026

+ **BAIL APPLN. 3215/2026**

ANKIT KUMAR

.....Petitioner

Through: Ms. Shruti Pandey, Advocate.

versus

THE STATE (GOVT. OF 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. These applications under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹, arise from FIR No. 53/2023, initially registered under Section 302 of the Indian Penal Code, 1860,² at Police Station Tughlak Road. Upon completion of the investigation, a chargesheet was filed for offences under Sections 302, 120-B and 34 of the IPC and Section 27 of the Arms Act, 1959³. The Applicants, Sourab Rawat and Ankit Kumar, seek regular bail in connection with the same incident. Their earlier applications were dismissed by the Sessions Court, most recently on 13th July, 2026. Since the prosecution case and the evidence relied upon are substantially common, the applications are being decided together.

2. The prosecution case concerns the murder of Akash, aged about 19 years, near Khan Market on 16th April, 2023. According to the prosecution, longstanding hostility existed between two groups, one of which included the deceased. Following an earlier altercation, the accused allegedly conspired to attack members of the rival group. On the evening of the incident, several persons assembled near Sujana Singh Park and proceeded towards Khan Market, where Akash was assaulted and stabbed. He was taken to RML Hospital and declared brought dead. The post-mortem examination attributes his death to shock and haemorrhage resulting from multiple ante-mortem stab injuries.

¹ "BNSS"

² "IPC"



3. The prosecution alleges that both Applicants participated in the planned attack. Sourab Rawat is alleged to have carried a knife and physically assaulted the deceased, while Ankit Kumar is also alleged to have been armed and participated in the assault. Their involvement is sought to be established through the alleged prior conspiracy, CCTV footage showing the movement of the group, call detail records and recoveries. The prosecution also relies upon an oral dying declaration allegedly made by Akash while being taken to hospital, in which he is stated to have said that Karan Rai, Vishal @ Gabru and Raunak, along with their associates, had assaulted him.

4. Counsel appearing for Sourab Rawat submits that the prosecution has failed to establish any specific act connecting the Applicant with the fatal assault. It is pointed out that the alleged oral dying declaration names Karan Rai, Vishal @ Gabru and Raunak, along with certain unidentified associates, but does not name Sourab. The allegation that he slapped the deceased and carried a knife is disputed. None of the independent witnesses examined so far has identified him as having inflicted any injury. PW-4 Mohd. Saleem, who claims to have witnessed the assault, has been unable to identify the assailants, while PW-3, PW-5 and PW-6 have not identified the Applicant as a participant in the incident. Counsel submits that the CCTV footage, although relied upon to establish his presence with the group, does not capture the actual assault or any overt act attributed to him. It is further pointed out that PW-1 Raja admitted in his cross-examination that he did not know Sourab Rawat prior to the incident and that neither he nor his brother had lodged any prior complaint against Sourab with the police. The alleged recovery of a knife, stated to have been kept in the scooty of co-accused

³ “Arms Act”



Vishal @ Gabru, is also questioned insofar as it is sought to establish his participation in the stabbing. It is further pointed out that no charge under Section 27 of the Arms Act was framed against him. Counsel submits that the allegation of common intention or conspiracy cannot dispense with the requirement of establishing the Applicant's participation through evidence. He further relies upon Sourab's young age, lack of criminal antecedents, satisfactory jail conduct and permanent residence in Delhi.

5. Counsel appearing for Ankit Kumar submits that his case stands on an even more distinct footing. He is not named in the alleged dying declaration, and PW-2 HC Amit has expressly acknowledged in cross-examination that the deceased did not disclose Ankit's name while being taken to hospital. The prosecution relies upon his identification by PW-1 Raja in the CCTV footage, although PW-1 admittedly had never met Ankit before the incident. It is submitted that the identification is disputed, particularly since the person shown in the footage is partly covered and the identification is stated to rest substantially upon his clothing. The footage itself does not depict the assault. None of the independent witnesses examined so far has identified Ankit as having inflicted any injury upon the deceased. Counsel further submits that no weapon used in the fatal assault has been recovered at his instance, no charge under Section 27 of the Arms Act was framed against him, and the forensic material does not disclose any incriminating biological evidence connecting him with the stabbing. As regards the earlier video relied upon by the State, counsel contends that it dates back to January 2023 and that neither the context of the conversation nor its connection with the present occurrence has been established. The mere use of threatening language, without examining the circumstances in which it was allegedly



spoken, cannot by itself establish participation in the alleged conspiracy. Counsel also emphasises that Ankit has no criminal antecedents, has an established family residence in Delhi and has been granted interim bail on several occasions for examinations and medical treatment, without any reported misuse of liberty.

6. Counsel for both Applicants further submit that the investigation stands completed, the chargesheet and supplementary chargesheet have been filed, and the documentary, electronic and physical evidence relied upon by the prosecution has already been secured. The Applicants have undergone more than three years of incarceration, whereas only a small proportion of the 58 cited prosecution witnesses has been examined. The trial is therefore unlikely to conclude shortly. It is urged that the Applicants cannot be detained indefinitely merely on account of the gravity of the charge, particularly when the evidence concerning their individual roles remains to be tested. Both have established residential and family ties in Delhi, and there is no material indicating that either has attempted to evade the proceedings or interfere with witnesses. The apprehension of intimidation expressed by the prosecution is stated to be speculative and capable of being addressed through appropriate conditions. Counsel accordingly submit that their continued detention is unnecessary and seek their release on regular bail.

7. The State, supported by counsel for the Complainant, oppose both applications. It is submitted that the deceased was murdered in a planned attack arising from an existing rivalry between two groups and that both Applicants actively participated in its execution. The prosecution relies upon the CCTV footage showing the accused assembling near Sujjan Singh Park,



proceeding towards Khan Market and fleeing from the vicinity after the incident. It is pointed out that PW-1 Raja has identified both Applicants in the footage played before the Trial Court. The State also relies upon the call detail records, which, according to the investigation, place the Applicants in the vicinity at the relevant time, and the testimony of PW-4 Mohd. Saleem concerning the assault by a group of persons. As regards Sourab Rawat, the prosecution attributes to him the act of slapping the deceased and carrying a knife, which is alleged to have been subsequently recovered from the scooty of co-accused Vishal @ Gabru.

8. In Ankit Kumar's case, reliance is placed upon his alleged possession of a knife and, more particularly, a video recording dated 1st January, 2023, in which he is stated to have made threats of murder against members of the Khan Market group. According to the State, this material lends support to the allegations of prior hostility, preparation and conspiracy. It is further submitted that witnesses Gaurav, Saurav Kumar and Kamal Kishore, whose statements are relied upon to establish the motive and prior conspiracy, are yet to be examined. It is contended that the Applicants' roles cannot be viewed in isolation or their liability determined merely by identifying the persons who inflicted the stab injuries, since the prosecution alleges that the offence was committed pursuant to a common intention and criminal conspiracy. The State and the Complainant also express apprehension that, given the previous hostility between the groups, release of the Applicants at this stage may result in intimidation or influence of the remaining witnesses. They accordingly oppose the grant of bail notwithstanding the period already spent by the Applicants in custody.

9. The Court has considered the rival submissions and examined the



material placed on record, including the testimony recorded during trial. The allegations concern the murder of a young man in what the prosecution describes as a planned attack by several persons acting together. The seriousness of the offence, the alleged participation of the Applicants, the material supporting the accusation and the possibility of interference with witnesses are all important considerations. The Court must also consider their antecedents, conduct, period of custody and the progress of trial. This exercise requires an assessment of the prima facie material, without undertaking a detailed appreciation of the evidence or determining the credibility of witnesses. The Court is mindful of the caution reiterated by the Supreme Court in *State of Karnataka v. Sri Darshan*⁴ that material circumstances bearing upon the accused's participation and the risk to a fair trial cannot be overlooked while exercising discretion in a case involving serious offences.

10. The prosecution relies upon the alleged oral dying declaration made by Akash while being taken to hospital. PW-1 Raja and PW-2 HC Amit have deposed that the deceased stated that Karan Rai, Vishal @ Gabru and Raunak, along with their associates, had assaulted him. The declaration is undoubtedly relevant to the prosecution case. What assumes significance for the present applications, however, is that neither Sourab Rawat nor Ankit Kumar was individually named. PW-2 has also expressly acknowledged in cross-examination that Ankit's name was not disclosed by the deceased. This does not exclude the possibility of their participation, particularly since the declaration refers to other associates. Equally, it cannot, by itself, be treated as a specific identification of either Applicant. Their alleged

⁴ 2025 INSC 979



involvement must therefore be considered with reference to the remaining material collected by the prosecution. No finding concerning the reliability of the declaration is necessary for deciding these applications.

11. The testimony of the witnesses examined so far also requires consideration in this context. PW-3 Vinod Kumar and PW-5 Imran have spoken about hearing a commotion and seeing several persons running from the vicinity, but neither witnessed the actual assault or identified the assailants. PW-6 Brijesh Shukla has not supported the prosecution's account of his having witnessed the incident and has not identified any accused. PW-4 Mohd. Saleem has described seeing a group assault upon the deceased, including a stabbing by a person whose face was muffled. His evidence supports the occurrence of the assault, but he has stated that he did not personally know the assailants and could not identify them from the CCTV footage. Thus, although there is evidence of a violent group assault, the independent witnesses examined so far have not identified either Applicant as having personally assaulted or stabbed the deceased.

12. The CCTV footage and electronic evidence relied upon by the prosecution form an important part of its case regarding the Applicants' participation in the incident. PW-1 Raja has identified both Applicants in the footage played before the Trial Court. However, he has stated that he did not know Sourab Rawat and had not met Ankit Kumar prior to the incident. The circumstances in which he identified them in the footage, and the evidentiary value of such identification, are matters to be examined at trial.

13. The chargesheet describes footage showing the accused proceeding towards Khan Market, pursuing the deceased and subsequently leaving the vicinity. It also records the investigating agency's interpretation that Sourab



was seen taking a knife from his pocket while running after the deceased. The call detail records are relied upon to establish the Applicants' presence in the area and communications between members of the group. This material lends support to the prosecution's allegation of concerted action, although the precise roles of the Applicants and the inferences to be drawn from the footage and electronic records remain matters for trial.

14. As regards Sourab Rawat, the prosecution attributes to him an active role in the incident. He is alleged to have struck the deceased, carried a knife and participated in the pursuit along with the other accused. The State also refers to a knife allegedly kept in the scooter of co-accused Vishal @ Gabru and subsequently recovered. These allegations are material and have not been overlooked. At the same time, Sourab is not specifically named in the alleged dying declaration, and none of the independent witnesses examined so far has identified him as having inflicted any injury. Although the prosecution relies upon his alleged possession of a knife, no charge under the Arms Act has been framed against him. The nature of his participation and the evidentiary significance of the recovery must be determined at trial. Sourab has been in custody since April 2023. His nominal roll records no previous conviction or pending criminal case, and his conduct in custody is satisfactory. He has an identified residence and family ties in Delhi. These circumstances, considered with the evidence presently available and the progress of trial, are relevant to the necessity of his continued detention.

15. Ankit Kumar's case requires separate consideration. The prosecution alleges that he was armed and participated in the group which pursued the deceased. Apart from the CCTV footage and call detail records, the State places particular reliance upon a video recording dated 1st January, 2023, in



which Ankit and a co-accused are allegedly seen making threats against members of the Khan Market group. The video is relevant to the prosecution's allegation of prior hostility and cannot be dismissed as inconsequential. Its context and connection with the subsequent murder, however, remain matters for trial. Ankit is not specifically named in the alleged dying declaration, and PW-2 has expressly confirmed that the deceased did not disclose his name. None of the independent witnesses examined so far has identified him as having inflicted an injury. No charge under the Arms Act was framed against him. The supplementary forensic material records the deceased's blood on articles associated with co-accused Vishal @ Gabru, but does not disclose a comparable biological finding directly connecting Ankit with the deceased's injuries. Ankit has no reported criminal antecedents, was pursuing his education at the time of his arrest and has an established family residence in Delhi. Importantly, he has been released on interim bail on several occasions for examinations and medical treatment and has surrendered as directed, without any reported misuse of liberty.

16. The Court has also considered the prosecution's reliance upon Sections 34 and 120-B IPC. Where common intention or conspiracy is established, criminal liability does not depend upon the accused having personally inflicted the fatal injury. The allegations against the Applicants must therefore be viewed in the context of the prosecution case concerning the conduct of the group as a whole. The State has also referred to the statements of Gaurav, Saurav Kumar and Kamal Kishore concerning the earlier hostility and alleged conspiracy. These witnesses are yet to be examined. Their evidence, together with the CCTV footage, electronic



records and recoveries, will have to be considered by the Trial Court in determining whether the Applicants shared the alleged common intention or participated in the conspiracy. For the present purpose, the Court has considered this material without attempting to resolve the disputed questions arising from it.

17. The period of custody and the progress of trial acquire significance in these circumstances. Both Applicants have remained incarcerated for more than three years. Charges were framed in April 2024, and the prosecution has cited 58 witnesses. The material placed before the Court shows that only a small fraction of these witnesses has been examined, and substantial evidence, including that concerning the alleged conspiracy, remains to be recorded. There is consequently no reasonable indication that the trial will conclude shortly. The Court recognises that neither prolonged custody nor the anticipated duration of trial can, by itself, justify bail in a prosecution for murder. Here, however, the delay is not merely a matter of conjecture. The trial has remained pending for a considerable period after the framing of charges, while both Applicants have already undergone substantial incarceration. The significance of that period must be assessed alongside their respective roles, the evidence recorded so far and their individual circumstances.

18. The apprehension of interference with witnesses has also been considered. The prosecution alleges an existing rivalry between the groups, and several witnesses concerning motive and conspiracy remain to be examined. The concern expressed by the State and the Complainant cannot, therefore, be dismissed lightly. Nevertheless, no specific instance of either Applicant having attempted to influence or intimidate a witness has been



brought to the Court's attention. Ankit's compliance with the conditions imposed during his earlier periods of interim bail is particularly relevant in this regard. Both Applicants have identified residences and family ties in Delhi and no reported criminal antecedents. The principal documentary, electronic and physical evidence has already been secured. In these circumstances, the Court considers that the apprehensions concerning their release can reasonably be addressed through appropriate conditions.

19. Having considered the allegations and the material relied upon by the prosecution, including the CCTV footage, call detail records, recoveries and the evidence concerning prior hostility, the Court finds that the continued detention of these Applicants is not necessary to secure the purposes of the proceedings. The risks associated with their release can be addressed through appropriate conditions.

20. This conclusion does not rest upon any finding that the prosecution case is weak, that the Applicants were not members of the alleged group, or that common intention or conspiracy cannot ultimately be established against them. Those questions remain for trial. The Court has only assessed whether, in the circumstances presently obtaining, their continued incarceration is warranted pending determination of guilt. The applications are accordingly liable to be allowed, subject to stringent conditions protecting the prosecution witnesses and the fairness of trial.

21. Accordingly, the applications are allowed. The Applicants, Sourab Rawat and Ankit Kumar, are directed to be released on regular bail upon furnishing personal bonds in the sum of ₹25,000/- each, with two sureties each in the like amount, to the satisfaction of the concerned Trial Court, subject to the following conditions:



- (i) The Applicants shall appear before the Trial Court on every date of hearing unless exempted.
- (ii) They shall not directly or indirectly contact, threaten, influence or induce any prosecution witness, including members of the deceased's family.
- (iii) They shall appear before the Investigating Officer at the concerned police station on the first Monday of every month. However, he shall not be made to wait for more than two hours for this purpose.
- (iv) They shall furnish their current residential addresses and mobile numbers to the Investigating Officer and shall intimate any change in these particulars in advance.
- (v) They shall not leave India without prior permission of the Trial Court.
- (vi) They shall not engage in any activity intended to obstruct the trial or tamper with evidence.

22. In the event of any violation of these conditions, the State shall be at liberty to seek cancellation of bail in accordance with law.

23. It is clarified that the observations made herein are tentative and confined to consideration of the present applications. The Trial Court shall decide the matter independently on the evidence led before it, uninfluenced by these observations. The grant of bail to the Applicants shall not, by itself, determine the entitlement of any other accused, whose application, if filed, shall be considered on its own facts and circumstances.

24. The applications stand disposed of accordingly.

SANJEEV NARULA, J

OCTOBER 16, 2026/ab