

29.

BAIL [SC/639/2022](#)(IA-1)

ST VS AVDHESH

FIR No. 242/2022

PS KANJHAWALA

13.05.2026

Present : Sh. K D Pachauri, Ld. Addl. PP for the State.
Sh. Kamal Sharma, Ld. Counsel for the
applicant/accused(through VC).

1. This is an application under Section 483 BNSS for grant of regular bail, moved on behalf of applicant Avdhesh.

2. It is submitted by ld. Counsel for applicant/accused that applicant/accused had been in JC since 22.03.2022. It is further submitted that present FIR has been registered on the complaint of complainant Ravinder Kumar and out of 36 prosecution witnesses, only 9 witnesses have been examined till date. It is submitted that none of the examined witnesses has witnessed the incident of murder and it is submitted that alleged iron pipe recovery has been shown to be effected at the instance of accused, however, no independent public witness has been joined in the recovery proceedings and recovery is shown in the presence of police officials. It is further submitted that alleged CCTV Footage relied by prosecution case are of 11 minutes difference. It is submitted that it is impossible to commit the said offence within such a short period of 11 minutes. It is submitted that applicant is in JC for about 46 months and prolonged incarceration violates the fundamental rights of the applicant. Ld. counsel has relied upon the judgment titled as

Union of India Vs. K. A Najeer (2021) 3 SCC 713 to prove his case. It is submitted that he has been falsely implicated in the present case.

3. On the other hand, Id. Addl. PP has opposed the application stating that allegations are very serious. It is submitted that applicant was seen in the CCTV Footages nearby the scene of crime and it was revealed that the deceased Gaurav Saini and he had come in the fields for theft where hot arguments took place between Avdesh and Gaurav Saini and thereafter, Avdesh killed Gaurav Saini with broken iron pipe. It is submitted that during further course of investigation, applicant was arrested on 22.03.2022 and his PC remand was also taken and during PC remand, weapon of offence was also recovered at his instance. It is also submitted that after completion of investigation, charge sheet was prepared and same was filed before Ld. Court.

4. Heard. Perused.

5. Whether the offence can be committed within 11 minutes or not is a matter of trial. One material eye witness is supporting the case of the prosecution. Therefore, considering the facts and circumstances, *application seeking regular bail is dismissed.*

6. In view of the recommendations of Rules Committee under Section 523 of BNSS, 2023 with respect to the practice directions issued by Hon'ble Supreme Court of India in Writ Petition no. W.P.(C) 1082/2022 Suhash Chakma Vs. Union of India & Ors., the applicant can avail the free legal aid facility from District Legal Services Authority (North-West) at Room No. 405, 4th Floor, District Court Rohini,

Delhi-110085. Applicant may contact the authority on phone number 011-27555536 or through mail at e-mail ID northwest-dlsa@nic.in.

(SHIVAJI ANAND)
ASJ-II/SPECIAL JUDGE NDPS/
NORTH-WEST/ROHINI COURTS/
DELHI/13.05.2026