IN THE COURT OF MS. SURABHI SHARMA VATS, ASJ-04 (SHAHDARA), KARKARDOOMA COURTS, DELHI

SC No. 61/2025, IA No. 04/2025
STATE VS. Sachin Sharma
FIR No. 378/2024
PS: Jyoti Nagar
U/s 103(1)/109(1)117/126(2)/3(5) BNS & 25/27 Arms Act

28.10.2025

File is taken up on an application moved under Section 483 of BNSS for grant of regular bail moved on behalf of applicant/accused namely Sachin Sharma.

Present: Sh. S.K. Dubey, Ld. Addl. PP for the State.
Sh. Ankit Sharma and Sh. Sagar, Ld. Counsels for applicant/accused.

Arguments on the bail application heard.

1. It is submitted by Ld. Counsel for the applicant/ accused that applicant/accused has been falsely implicated in the present case by the police officials of PS Jyoti Nagar; that applicant/accused has no role to play in the alleged incident in any manner as it is crystal clear from the CCTV footage relied upon by the prosecution in which the deceased person was not present at the place of incident at the time of first incident; that applicant/accused has no criminal history and the present case has been planted against the applicant/accused since, he had not even met or came across the deceased on the day of the alleged incident and has been languishing in JC since 02.09.2024.

2. Ld. Counsel for the accused/ applicant has stated that the investigation in this case against the applicant/accused is complete in the matter and charge-sheet had already been filed; it is further contended that victims of the first incident and second

incident are not same and even motorcycle is different; that nothing has been recovered from the possession of the applicant/accused; that applicant/accused undertakes that he shall not influence/cause any threat to the witnesses of the present case and shall not tamper any of the evidence; that the applicant shall abide by all the directions which this court pleases to impose him while enlarging him on bail.

3. Per-contra, Ld. Addl. PP for the state has vehemently opposed the bail application stating that allegations against the accused/ applicant are quite grave in nature; that on 02.09.2024, the present FIR was registered on the basis of complaint lodged by Soni (complainant/deceased) and as per the complaint, on 01/09/24, at about 10 PM, complainant and his friends Anuj, Sanjeev @ Kale and Sanjeet were celebrating Sanjeev Kale's birthday in the parking lot of Sanjeev @ Kale; that Sanjeev Kale being intoxicated, told that accused Dheeraj Sharma asks for extortion money *(hafta)* from him, therefore, they made a plan to teach accused Dheeraj Sharma a lesson and at around 12:05 AM, complainant and Anuj went to search for Dheeraj Sharma on his motorcycle; that accused persons Vivek @ Bhuri, Dheeraj Sharma, Sachin Sharma (applicant/accused), Divesh and Aili (Transgender) were standing in the lane of B-Block Colony and on seeing the complainant Soni and his friend, accused persons suddenly attacked them; that accused Dheeraj Sharma was saying that *"yeh bhi Sanjeev @ Kale ka dost hai, unko bhi aaj sabak sikhayenge";* that accused Vivek @ Bhuri attacked the complainant with a hammer with an intention of killing him, but he escaped; that hammer had hit his motorcycle no. DL-5S-BL-7830 and accused Dheeraj Sharma attacked him with a *laathi* (stick); that accused

persons Divesh and Aili were saying that *"inko padko jo aaj bachkar nhi jaane chahiye"*; that the complainant and Anuj started going back with the motorcycle, accused Sachin Sharma(applicant/accused) started hitting them with punches.

Thereafter, they came back and told this to Sanjeev @ Kale and Sanjeet; that Sanjeev Kale in order to teach accused Dheeraj a lesson, started going to Jyoti Nagar Police Station with his friends to lodge a complaint against Dheeraj and his companions and when they reached at Mangal Bazaar Road, Amar Colony, accused persons namely Vivek @ Bhuri, Dheeraj Sharma, Divesh, Ashwani and Aili were coming from the front and on seeing them with sticks and hammer in their hands, complainant's companions ran back in fear, however, accused Divesh, Ashwani and Aili caught him; that accused Aili was saying that *"pichli baar to yeh bach gya tha, aaj hum isko jaan se maar denge" ;* that accused Vivek @ Bhuri had a pistol in his hand and accused Dheeraj Sharma was having a country-made pistol in his hand; firstly, accused persons namely Divesh and Ashwani attacked the complainant Soni with sticks and then accused persons namely Vivek @ Bhuri, Divesh, Dheeraj Sharma and Ashwani dragged him to the Shiv Mandir; that accused persons namely Vivek @ Bhuri and Dheeraj Sharma attacked the complainant with sticks with an intention of killing him and thinking him to be half dead, threw him in the drain; that in the drain also, accused persons namely Dheeraj Sharma and Vivek @ Bhuri attacked the complainant repeatedly and during this time, Aili said that *"abhi yeh jinda hai, isko naali se bahar nikaal kar aur maarpeet karo";* that accused Ashwani and Vivek @ Bhuri took him out of that drain and accused Dheeraj Sharma repeatedly attacked him with sticks *(laathi se anginat vaar kar diye)* and also hit in his anus with

the *laathi* (stick) repeatedly and left him at the spot in an unconscious state thinking him to be dead; that when the complainant gained consciousness, he found myself admitted in GTB hospital.

Thereafter, complainant/victim Soni during the course of his treatment in GTB Hospital succumbed to injuries and eventually died on 03.09.2024.

4. Ld. Addl. PP for the State has further submitted that PMR of the deceased Soni reveals that he had suffered as many as 38 antemortem injuries and cause of death was shock as a result of blunt force trauma to the abdomen and all injuries were antemortem in nature and produced by blunt force impact. The MLC of co-victim Anuj Kumar dated 04.09.2024 also reveals nature of injuries as 'greivous'.

It is further argued that applicant/accused is also previously involved in a riot case FIR No. 60/2020 U/s. 147/148/149/427, PS Jayoti Nagar, Delhi, therefore, there is every possible likelihood that the accused may try to influence the witnesses and may threaten the complainant as well; that the trial of the present case is at the initial stage and all the witnesses including the eye-witnesses including including the eye witness are to be examined; that the applicant/accused if released on bail, may hamper the process of administration of justice and may abscond and evade the due process established by law. Therefore, chance of tampering the evidence and influencing the witnesses cannot be ruled out at this stage, therefore, applicant/accused may not be admitted on bail; that applicant/accused Sachin Sharma is clearly visible in CCTV camera with danda and attacked on the deceased Soni.

5. This Court has heard the arguments on this application and has also perused the available record.

6. This Court is mindful of the rule of law that liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. Thus, the fundamental principle is of Bail and not Jail. However, the liberty of an individual is not absolute and the society by its collective wisdom through the process established by law can withdraw that liberty if that individual becomes a potential danger to the societal order. Therefore, the discretion granted to the courts U/s 437 and 439 Cr.P.C (now, Sections 480 & 483 of Bhartiya Nagarik Suraksha Sanhita, 2023), needs to be exercised cautiously and carefully by balancing the Rights of the accused vis-a-vis interests of the society/public at large.

7. As per the case of the prosecution, accused persons firstly threatened the victims and then, with an intention to kill the complainant/deceased Soni and his friends, had brutally attacked them; that the deceased Soni was brutally attacked with *laathi* (stick) repeatedly to the extent that a stick/danda was even inserted in his anus (private part); as a result of the injuries sustained during the said attack, the complainant Soni succumbed to his injuries during his treatment and eventually died on 03.09.2024.

It is stated that the name of the applicant/accused Sachin Sharma is clearly mentioned by the complainant/ deceased Soni in his complaint/statement, which culminated into the present FIR. It is further alleged that firstly, victims were threatened by dandas and the deceased was even beaten by this accused Sachin

only. It is well settled principle of law that at the stage of determining the question of bail, minute/ detailed evaluation of the facts and appreciation of evidence on merits, is not to be done.

PMR of the deceased Soni reveals that he had suffered as many as 38 antemortem injuries and cause of his death has been opined as shock as a result of blunt force trauma to the abdomen and all injuries were antemortem in nature and produced by blunt force impact. The MLC of co-victim Anuj Kumar also reveals nature of injuries as 'grievous'.

The allegations against the accused/ applicant are grave in nature. Trial of the case is at the initial stage and all the witnesses including the eye witness of the case are yet to be examined in the present case. Accused is stated to be previously involved in a riot case. Possibility of threatening, influencing or inducing the witnesses, cannot be ruled at this stage.

Considering the enormity of the offences alleged, severity of the punishment which the alleged offence entails, alleged role of the applicant/accused coupled with the above-stated reasons, this Court does not find it a fit case to grant bail to the accused/ applicant **Sachin Sharma**, at this stage. Therefore, the present bail application stands, **dismissed.**

8. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*

9. In compliance of directions of Hon'ble Supreme Court of India in case titled ***'In Re: Policy Strategy for Grant of Bail', Writ Petition (Crl.) No. 04/2021 dated 31.01.2023,*** copy of this order be sent to applicant through concerned Jail Superintendent for information.

10. Copy of the order be given dasti to Ld. Counsel for applicant/ accused and to the I.O, as per rules. Bail application stands disposed of.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/ 28.10.2025