

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

SC No. 77/2025, IA No. 06/2025

STATE VS. Raghav

FIR No. 554/2024

PS: Jagatpuri

U/s 103(1)/3(5) BNS

03.12.2025

File is taken up on an application under Section 483 BNSS seeking bail moved on behalf of applicant/accused Raghav.

Present: Sh. Pradeep, Ld. Substitute Addl. P.P. for State.
Sh. Anuj Jain, Ld. Counsel for applicant/accused
(through VC).

Arguments on the bail application already heard.

1. It was submitted by Ld. Counsel for the applicant/accused has been falsely implicated in the present case; that present case FIR was registered just as an afterthought and the applicant/accused was not named in the FIR; that the applicant/accused was arrested without any incriminating evidence against him; no TIP of the applicant/accused was conducted; that there is no weapon of offence in the present case; as such, there was no intention or knowledge as required for the offence of murder.

2. Ld. Counsel for the applicant/accused had argued that investigation of the present case is complete and now the chargesheet has already been filed by the IO; that the applicant/accused has clean antecedents; no purpose would be served by keeping the applicant/accused behind bars, therefore, applicant/accused may be admitted on bail. The applicant/accused is ready to furnish sound and reliable surety, if bail is granted to him by the Court.

3. Per-contra, Ld. Substitute Addl. PP for the State has strongly opposed the bail application stating that allegations against the accused/ applicant are grave in nature; present case FIR has been registered on the statement/complaint of the complainant Kuldeep who has stated that the victim/deceased Arpit @ Golu is his brother-in-law (*Saala*) who was residing with his family at Jagatpuri, Delhi as a tenant and was doing a private job; one of the accused namely Dhruv @ Golu used to reside in his neighbourhood and accused Nishu and Rishu used to reside in the said house as tenants; that his brother-in-law/*saala* Arpit @ Golu (the victim/deceased) used to talk to Dhruv @ Golu's sister due to which accused Dhruv @ Golu had nurtured a grudge against the victim/deceased Arpit @ Golu.

It is further stated that on 18.10.2024, at about 10.15 pm, the victim/deceased Arpit @ Golu made a phone call to the complainant Kuldeep and told him that the accused Dhruv @ Golu had come and he is calling him in the street; the complainant told him [his brother-in-law (*saala*)] that he is also reaching there; and at about 10.40 pm, when the complainant reached at the *patree* of *naala* near Sanjay Tent & Furniture House, he saw that the accused Dhruv @ Golu , his cousin/*chachera bhai* Rishu and Nishu and three-four more boys were beating the victim/deceased Arpit@Golu in black and blue; the complainant could somehow rescued the victim from those boys; thereafter, the accused Dhruv and other accused persons fled the scene of crime; the victim/deceased told the complainant about severe pain in his abdomen; meanwhile, the complainant dialed 112 number and rushed the victim/deceased to Dr. Hedgewar Hospital and the doctors, after giving treatment, sent the victim/deceased to his house; that at about 4.30 am, during the night/early morning, pain

and suffering of the victim/deceased worsened and then, the complainant and his brother-in-law (*saala*) Ajab Singh took the victim/deceased to GTB Hospital, where the Doctor declared him as “Brought dead”.

4. Ld. Substitute Addl. PP for the State has further stated that during investigation statement of another eye-witness namely Vishal Titoriya was recorded and he stated that he witnessed the incident alongwith the complainant Kuldeep, when the accused persons attacked the victim/deceased with an intention of killing him; he also named one of the accused person as Ravinder.

Thereafter, accused persons namely Dhruv @ Golu, Rishu and Nishu were arrested and accused Ravinder was arrested at the instance of eye-witness Vishal Titoriya. During interrogation, the accused Ravinder revealed the name of other accused persons who were involved in the incident as applicant/accused Raghav, Aman and ‘A’ (CCL).

5. It is further stated by Ld. Substitute Addl. PP for the State that all the accused persons including the applicant/accused Raghav were arrested and a scooty bearing no. DL11D2077 make Honda Activa Black Colour which was used during the commission of offence was recovered at the instance of the applicant/accused Raghav from his house. During investigation, the complainant Kuldeep has also identified applicant/accused Raghav and co-accused Aman and Ravindra as associates of Dhruv @ Golu and it was also revealed that on the day of incident these accused persons reached at the scene of crime and then after commission of offence, fled away from the place of incident on the said scooty only.

6. Ld. Substitute Addl. PP for the State further stated that during investigation, statement of Ms. 'K' was also recorded who stated that she used to talk to victim/deceased Arpit for about a year; that on 18.10.2024, when she had gone to take medicine, victim/deceased Arpit came behind her; that when victim/deceased Arpit was coming behind her, then her brother/accused Dhruv @ Golu had seen him.

It is argued by Ld. Substitute Addl. PP for State that accused Dhruv @ Golu used to not like the victim/ deceased Arpit talking to her sister, therefore, he alongwith other accused persons namely applicant/accused Raghav, Aman, Ravindra, Nishu and CCL 'A' planned and beaten the victim/ deceased Arpit, resulting in his death.

7. Ld. Substitute Addl. PP for the State has argued that initially the complaint was not made in the present matter and even assault was not apprised to the concerned Doctor of Hedgewar Hospital since, the matter was related to a girl and only when the condition of the victim/deceased worsened and victim Arpit died, the present case FIR was registered. It is further stated that post-mortem report reveals that cause of death of the victim/deceased is hemorrhagic shock consequent upon blunt force trauma to the abdomen.

8. Ld. Substitute Addl. PP argued that accused Dhruv @ Golu along with his co-associates including applicant/ accused Raghav, in furtherance of their common intention had attacked the victim/deceased Arpit @ Golu in a pre-mediated manner, resulting into his death, thus, all the accused persons have killed/murdered

the victim. It is further argued that the trial of the matter is at a nascent stage, therefore, the applicant/accused may try to influence the witnesses or threaten them, therefore, bail may not be granted to the applicant/accused.

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

10. 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 (480 & 483 BNSS) needs to be exercised cautiously and carefully by balancing the Rights of the accused and interests of the society/public at large.

11. As per the case of the Prosecution, accused Dhruv @ Golu along with his co-associates including applicant/accused Raghav, in furtherance of their common intention, launched an attack upon the victim/deceased Arpit @ Golu in a pre-mediated manner and thus, killed/murdered him.

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.

Allegations against the applicant/accused Raghav are quite grave in nature. As per the Post Mortem Report of the victim/

deceased Arpit @ Golu, his cause of death is opined as “Hemorrhagic shock consequent upon blunt force trauma to the abdomen”. The trial of the matter is at nascent stage. Possibility of threatening or inducing the witnesses, by the applicant/accused, cannot be ruled out at this stage.

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

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

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

14. Copy of order be given dasti to Ld. Counsel for the applicant/accused and to the State as well.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/03.12.2025