

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

SC No. 121/2025, IA No. 03/2026

STATE VS. Rajesh

FIR No. 541/2024

PS: Vivek Vihar

U/s 103(1) BNS

09.02.2026

File is taken up on an application under Section 480 BNSS seeking bail moved on behalf of applicant/accused Rajesh.

Present: Sh. S.K. Dubey, Ld. Addl. PP for the State.
Sh. Praveen Kr. Pachauri, Ld. Counsel for the applicant/
accused.

1. Arguments on this bail application heard.
2. Ld. Counsel for the applicant/accused submits that the applicant/accused has been falsely implicated in the present case by the police officials of PS Vivek Vihar; that in the intervening night of 06-07.11.2014, an unclaimed body of the individual was found lying near the main gate of Shamshan Vivek Vihar Delhi; thgat after reaching the spot, ASI Khubi Ram did not find any eye-witness nor any relative of the deceased, however, at later stage during the investigation, a call was received from the GTB Hospital at about 04:21 am informing that one injured person namely Rajesh (applicant/accused herein) had came and informed that he had entered in scuffle with some unknown person near shamshan ghat Vivek Vihar.

Further, upon receiving the call from the Hospital, applicant/accused was linked in the present case; that the applicant/acused had no concern with the said deceased; that there is no previous personal grudge or dispute in between the applicant/accused and deceased; that there are number of contadictions in the statements of witnesses and complainat.

3. It is further submitted by Ld. Counsel for applicant/accused that in that the present case is totally based on the circumstantial evidence and there is no eye-witness or direct witness to connect the link of chain; hat earlier bail application filed by the applicant/accused was dismissed by this court vide order dated 03.09.2025.

4. Ld. Counsel for the applicant/accused has further argued that the autopsy report of the deceased shows that injury given to the deceased by more than one person; that the present case is pending for evidence, therefore, it is obvious that the evidence in any criminal case took a long period of time; that applicant/accused has clean antecedents; that applicant/accused is ready to furnish sound surety and abide by all the terms and conditions, if imposed upon him.

5. Per-contra, Ld.Addl. PP for the State has opposed the bail application while submitting that the allegations against the applicant/accused are grave in nature; as per the case of Prosecution, on 07.11.2024, GD No. 12A was received at the Police station with the information that *“Caller from CAT informed that an unconscious person was found at the above-mentioned address. Upon examination, his pulse was absent, and he was declared dead. (Mobile No. 84470xxxxx)”*; the call was marked to ASI Khubiram, who along with HC Satyavan reached at the spot and found a male approximately 20-21 years lying unconscious with visible bleeding from the ears and nose; a CAT ambulance was present at the spot and it confirmed that the person/victim was dead; shortly thereafter, the deceased’s borthers Rahul Singh and Surender @ Vimal arrived at the spot and identified the deceased as Sumit @ Sunny S/o Late Parvinder Singh, R/o H.No. 28/83, Kasturba Nagar, Delhi, Age-19 years; bloodstains and two liquor bottles/(Pavvas) were found and taken into possession by ASI Khubiram; the body was

transported to Hedgewar Hospital, where he was declared “brought dead” and subsequently shifted to Sabzi Mandi Mortuary.

6. Ld. Addl. PP further submits that later a DD No. 17A was received informing that one Rajesh S/o Harishankar (applicant/accused herein), R/o H.No. 61, Gali No. 01, Jwala Nagar, Delhi, Age 50 years, was admitted in Hedgewar Hospital vide MLC No. C-3546/145/2024 after a quarrel; upon inquiry, it was revealed that Rajesh (applicant/accused) had a quarrel with the deceased Sumit @ Sunny on the day of incident.

7. It is further submitted that during the investigation, a public witness Shivam Arora gave his statement and stated that on the night of 06-07.11.2024, at around 01:25 am, he stepped out for the toilet from his Dhaaba and saw Rajesh (applicant/accused) injured and bleeding; he gave his green colored t-shirt to applicant/accused Rajesh and upon inquiry, applicant/accused Rajesh informed him that he had a quarrel with Sunny (victim/deceased); applicant/accused Rajesh was taken to hospital by his wife and son. He also stated that he saw victim/deceased Sunny lying unconscious near the Shamshan Ghat.

8. Ld. Addl. PP further submits that during the investigation, statement of another witness Vansh @ Labbad was also recorded who stated that on the night of 06-07.11.2024, at around 01:10 am, he went out for food and saw one man kicking another man lying on the ground; that on his return, he saw a crowd near Krishna Dhaba and notice injured Rajesh with his family; he also saw Sunny lying in a bloodied condition near Kasturba Gandhi Park. It is further submitted that during the investigation, the applicant/ accused was arrested and during interrogation, he himself disclosed about the involvement in the present case and stated that he runs a small food stall near Kasturba Gandhi Park

in front of Shamshan Ghat; that on the night of 06-07.11.2024, after closing his stall, he consumed alcohol; that around 01:15 am, victim/deceased Sunny approached him for a bidi and upon refusal, victim/deceased abused him and a physical altercation ensued; the victim/deceased allegedly picked up a brick and struck applicant/accused Rajesh on his mouth causing bleeding; that in retaliation, applicant/accused picked up a cement brick and hit Sunny (victim/deceased) multiple times on the chest; that applicant/accused Sunny fell unconscious after which applicant/accused further assaulted him with fists and kicks.

9. It is submitted by Ld. substitute Addl. PP for the State that Postmortem report of the deceased/victim reveals the cause of death of the victim/deceased is haemorrhage and shock as a result of injury to heart and liver consequent upon blunt force impact which was sufficient to cause death in an ordinary course in nature and manner of death is reported to be homicide. The postmortem report reveals following external injuries on the person of the victim/deceased:-

- (i) Reddish bruise with swelling 3.2x1.5 present at right upper eyelid. On dissection: infiltration of blood present
- (ii) Multiple reddish brown abrasion 4 in number present at right side of forehead at outer aspect.
- (iii) Reddish brown abrasion 3.7 x 3.2 cm present at left cheek, 2.5cm below and lateral to left eye.
- (iv) Reddish brown abrasion 1x0.8cm present at right cheek, 2 cm below and lateral to right eye.
- (v) Reddish brown linear crescentic abrasion 1.7x0.2cm present at right side of face, 1.5cm below injury no. 4.
- (vi) Reddish contused abrasion 2.2x1.6cm present at right angle of mandible. On dissection: infiltration of blood present.
- (vii) Reddish bruise 3.2x3.6cm present at back of right ear at mastoid process. On dissection: infiltration of blood present.

- (viii) Reddish brown linear crescentic abrasion 1.6x0.1cm vertically placed at right side of neck, 2cm below right angle of mandible.
- (ix) Reddish brown linear crescentic abrasion 2.1x0.1cm present at left side of neck, 3.7cm below left angle of mandible.
- (x) Reddish brown linear crescentic abrasion 2.6x0.1cm vertically placed at sternal notch.
- (xi) Reddish brown graze abrasion 38.6x12.6cm present at back of chest wall at right side with heaped up skin tag at its upper border depicting upward dragging of body..
- (xii) Reddish pattern bruise roundish in shape 5.2x5.6cm present at right side at chest wall at its outer aspect 8.3cm below right axillary folds. On dissection: infiltration of blood present at underlying chest muscles.
- (xiii) Reddish pattern bruise roundish in shape 5.5x5.6cm present at right side at chest wall at its outer aspect, 4.7cm below injury no. 12. On dissection: infiltration of blood present at underlying chest muscles.
- (xiv) Reddish pattern bruise roundish in shape 5.5x5.3cm present at left side at chest wall at its outer aspect, 5.9cm lateral to left nipple 12. On dissection: infiltration of blood present at underlying chest muscles.
- (xv) Reddish brown graze abrasion 8x6.4cm present at back of chest wall at left side with heaped up skin tag at its upper border depicting upwards dragging of body
- (xvi) Lacerated wound with contused swelling at inner aspect of upper lip at left side with corresponding intra ocular indentation of gums.
- (xvii) Lacerated wound with contused swelling at inner aspect of lower lip at left side with corresponding intra ocular indentation of gums.
- (xviii) Multiple reddish bruise at front of abdominal wall. On dissection: infiltration of blood at underlying abdominal muscles.

10. Ld. Addl. PP further submits that accused/applicant has submitted that the previous bail application of the applicant/accused was dismissed by this Court on 03.09.2025 and since then, there is no

change in circumstances. Ld. Addl. PP for the State has argued that matter is at the initial stage and applicant/accused may try to tamper with the evidence or may try influence the witnesses, therefore, applicant/accused may not be admitted on bail.

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

12. As per the case of Prosecution, the accused/applicant had a scuffle with the victim/deceased whereby, the accused brutally attacked the victim/deceased Sunny and murdered him.

The Post-mortem report of the deceased/victim reveals the cause of death of the victim/deceased is haemorrhage and shock as a result of injury to heart and liver consequent upon blunt force impact which was sufficient to cause death in an ordinary course in nature and manner of death is reported to be homicide. The postmortem report reveals following external injuries as (I) Reddish bruise with swelling 3.2x1.5 present at right upper eyelid. On dissection: infiltration of blood present, (ii) Multiple reddish brown abrasion 4 in number present at right side of forehead at outer aspect, (iii) Reddish brown abrasion 3.7 x 3.2 cm present at left cheek, 2.5cm below and lateral to left eye, (iv) Reddish brown abrasion 1x0.8cm present at right cheek, 2 cm below and lateral to right eye, (v) Reddish brown linear crescentic abrasion 1.7x0.2cm present at right side of face, 1.5cm below injury no. 4, (vi) Reddish contused abrasion 2.2x1.6cm present at right angle of mandible. On dissection: infiltration of blood present, (vii) Reddish bruise 3.2x3.6cm present at back of right ear at mastoid process. On dissection: infiltration of blood present, (viii) Reddish brown linear crescentic abrasion 1.6x0.1cm vertically placed at right side of neck,

2cm below right angle of mandible, (ix) Reddish brown linear crescentic abrasion 2.1x0.1cm present at left side of neck, 3.7cm below left angle of mandible, (x) Reddish brown linear crescentic abrasion 2.6x0.1cm vertically placed at sternal notch, (xi) Reddish brown graze abrasion 38.6x12.6cm present at back of chest wall at right side with heaped up skin tag at its upper border depicting upward dragging of body, (xii) Reddish pattern bruise roundish in shape 5.2x5.6cm present at right side at chest wall at its outer aspect 8.3cm below right axillary folds. On dissection: infiltration of blood present at underlying chest muscles, (xiii) Reddish pattern bruise roundish in shape 5.5x5.6cm present at right side at chest wall at its outer aspect, 4.7cm below injury no. 12. On dissection: infiltration of blood present at underlying chest muscles, (xiv) Reddish pattern bruise roundish in shape 5.5x5.3cm present at left side at chest wall at its outer aspect, 5.9cm lateral to left nipple 12. On dissection: infiltration of blood present at underlying chest muscles, (xv) Reddish brown graze abrasion 8x6.4cm present at back of chest wall at left side with heaped up skin tag at its upper border depicting upwards dragging of body, (xvi) Lacerated wound with contused swelling at inner aspect of upper lip at left side with corresponding intra ocular indentation of gums, (xvii) Lacerated wound with contused swelling at inner aspect of lower lip at left side with corresponding intra ocular indentation of gums, (xviii) Multiple reddish bruise at front of abdominal wall. On dissection: infiltration of blood at underlying abdominal muscles.

Allegations against the accused/ applicant are grave in nature. 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. Matter is at the nascent stage, none of the witness have been examined yet,

therefore, possibility of threatening or inducing the witness and tampering with the evidence cannot be ruled out at this stage.

It is further observed that there is no change in circumstances since the dismissal of the earlier bail application of the applicant/accused vide order dated 03.09.2025. The law regarding filing successive bail applications is well-settled and it is no longer *res integra* that when successive applications are filed, there must be a significant development in the case (**Reference: Christian James Michel Vs. Central Bureau of Investigation dated 25.09.2024 passed by Hon'ble High Court of Delhi**).

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

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

14. 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.

15. Copy of this order be given dasti to Ld. Counsel for applicant/ accused as well as to the I.O as per rules.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/ 09.02.2026