

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

SC No. 510/2019, IA No. 12/2026

State Vs. Lavish @ Ankur

FIR No. 334/2019

U/s. 302/314/301/120B/34 IPC & 25/54/59 Arms Act

PS: Nand Nagri

12.05.2026

File is taken up on an application moved under Section 483 BNSS seeking regular bail moved on behalf of applicant/accused namely Lavish @ Ankur.

Present: Sh. S.K.Dubey, Ld Addl. PP for State.

Sh. Manish Kumar Singh, Ld. Counsel for applicant/
accused (through VC).

Arguments on this 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; that there is no evidence against the applicant/accused; that now the eye-witness Rohtash has been examined before the Court as PW-7 and there are material contradictions in his testimony; that during the testimony of PW-7, some videos qua the alleged incident in which PW-7 Rohtash (brother of the deceased) is talking to some media personals and in which he informed the reporter that “char-paanch badmash thay jo motorcycle pe thay, thane ke back side pe goli maari... unke naam Aman bata rahe hai, Asif bata rahe hai aur Dabbu bata rahe hai”; that this portion of the testimony itself demolishes the case of the Prosecution that PW-7 was the eye-witness of the incident.

2. Ld. Counsel has further submitted that applicant/accused is a law abiding citizen of India; that no similar

application bail is pending before any other Court of law; that the applicant/accused undertakes not to misuse the liberty of bail in any manner, if granted and shall abide by all the directions and conditions imposed upon him; that the applicant/accused is also ready to furnish reliable surety to the entire satisfaction of the Hon'ble Court; that accused/ applicant shall make himself available on each and every date of hearing as and when directed by the Hon'ble Court.

3. Per-contra, Ld. Addl. PP for the State has strongly opposed the bail application stating that allegations against the applicant/accused are very serious in nature; that the accused persons have brutally murdered two persons namely Khurvesh and Kanchilal; that as per the case of prosecution, a PCR call vide DD No. 35A dated 14.06.2019 was received that *"Caller keh rha hai ki Nand Nagri Depot ke pass red light accident hua hai goli chalne jaisi awaz aayi hai, bahot bheed lagi hai"*; that a white colour Santro bearing No. DL4ND-0606 was found at the place of incident and two injured were found to be taken to GTB Hospital by traffic staff; both the front window panes of the Santro car were found to be broken and blood was found scattered on the front left side seat and footmat of the car; that hole of the bullet mark was present on the left window pane; that empty cartridges were also recovered from the place of incident and blood stained *chappals* were also recovered from the place of incident; both the deceased were declared 'brought dead' by the doctor concerned.

4. It is further submitted by Ld. Addl. PP for the State that the applicant/accused Lavish and co-accused Lokesh were caught with illegal arms by AATS, North-East in the case FIR No.

363/2019 U/s. 25/27/54/59 Arms Act, PS Nand Nagri; that sophisticated pistol “STAR BECHEVERRIA/ EIBAR-ESPANA SA-CAL-7.65M/M32” with magazine containing 6 live cartridges (KC 7.65mm) were recovered from applicant/accused Lavish @ Ankur and a sophisticated pistol bearing no. 53683 with magazine containing 8 live cartridges (S&B 7.62 x 25 mm) were recovered from co-accused Lokesh; that after their arrest, applicant/accused Lavish @ Ankur and co-accused Lokesh voluntarily disclosed their involvement in the murder of Khurvesh and his friend (deceased Kanchilal) on 14.06.2019 using the pistols duly recovered from them.

5. Ld. Addl. PP for State further submits that during inspection of the spot, empty shells were found at the spot which corroborated with the weapons recovered from the applicant/accused Lavish @ Ankur and co-accused Lokesh; that during the course of investigation, accused Ashu had disclosed that deceased Khurvesh had a fight with his maternal uncle of Lokesh (co-accused) two-three years back and therefore, in order to take revenge, accused persons (including applicant/ accused Lavish @ Ankur) conspired the murder of Khurvesh and accused persons as per their pre-mediated conspiracy, murdered the deceased persons.

It is further stated by Ld. Substitute Addl. PP for the State that as per analysis of FSL reports, the pistols recovered from the applicant/accused Lavish @ Ankur and co-accused Lokesh were found to be in working condition and it has been concluded that the weapons recovered from the applicant/ accused Lavish @ Ankur and co-accused Lokesh, empty cartridges and bullets recovered from body of deceased Khurvesh and Kanchilal were

correctly matching and it has been opined by FSL Ballistic Expert in his FSL report that:

➡ The individual characteristics of firing pin marks and breech face marks present on 7.65mm cartridge cases marked exhibits 'EC4' to 'EC6' and on test fired cartridge cases marked as 'TC4' to 'TC6' were examined and compared under the Comparison Microscope Model Leica DMC and were found identical. Hence, the 7.65mm cartridge cases marked exhibits 'EC4' to 'EC6' have been filed from the pistol 7.65,, caliber bearing No. 387108 marked exhibit 'F2' (*allegedly recovered from accused/applicant Lavish @ Ankur*) in case SFSL DLH/6559/BAL/ 1201/19, FIR No. 363/19, PS: Nand Nagri.

➡ The individual characteristics of rifling marks present on the bullet marked exhibits 'EB2', 'EB4', 'EB5' & 'EB6' and on the test fired bullets marked as 'TB4' to 'TB6' were examined and compared under the Comparison Microscope Model Lecia DMC and were found identical. Hence the bullets marked exhibits 'EB2', 'EB4', 'EB5' & 'EB6' have been discharged through pistol 7.65mm caliber bearing No. 387108 marked exhibit 'F2' (*allegedly recovered from accused/applicant Lavish @ Ankur*) in case SFSL DLH/6559/BAL/1201/19, FIR No. 363/19, PS: Nand Nagri.

6. Ld. Addl. PP has further argued that the eye-witness Rohtash has been examined before the Court as PW-7 and he has fully supported the case of the Prosecution and has also identified the applicant/accused as the main assailants who killed his brother, however, detailed evaluation of the testimonies of the witnesses is not warranted at the stage of bail. It is further argued that the PW-7 was the only eye-witness of the case and brother of the deceased

and there is a reasonable apprehension that the applicant/accused, if released, on bail may try to harm him since, he has deposed against the applicant/ accused. It is therefore requested that the applicant/accused may not be admitted on bail.

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

8. 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 and interests of the society/ public at large.

9. As per the case of prosecution, the accused persons including accused/applicant Lavish @ Ankur hatched a criminal conspiracy to murder the deceased Khurvesh and in pursuance and execution of this criminal conspiracy, the applicant/accused along with co-accused Lokesh allegedly killed the deceased persons namely Khurvesh and Kanchilal, by shooting them. Accused/applicant Lavish is stated to be directly involved in firing upon the deceased persons along with co-accused Lokesh resulting into death of the deceased Khurvesh and Kanchilal, on the spot due to firearm injuries. It is stated that during the investigation of

case FIR No. 363/2019, PS Nand Nagri the weapon of offence i.e. pistol which has been used in the murder of the deceased persons in this case has been recovered from the applicant/accused.

It is stated that PW-7 Rohtash, alleged eye-witness and the brother of the deceased, has duly identified the applicant/accused in the Court as one of the assailant who indiscriminately fired upon his brother Khurvash and Kanchi. 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.

As per FSL report, the individual characteristics of firing pin marks and breech face marks present on 7.65mm cartridge cases marked exhibits 'EC4' to 'EC6' and on test fired cartridge cases marked as 'TC4' to 'TC6' were examined and compared under the Comparison Microscope Model Leica DMC and were found identical and it is reported that the 7.65mm cartridge cases marked exhibits 'EC4' to 'EC6' have been filed from the pistol 7.65,, caliber bearing No. 387108 marked exhibit 'F2' (*allegedly recovered from accused/applicant Lavish @ Ankur*) in case SFSL DLH/6559/BAL/1201/19, FIR No. 363/19, PS: Nand Nagri. Further, the individual characteristics of rifling marks present on the bullet marked exhibits 'EB2', 'EB4', 'EB5' & 'EB6' and on the test fired bullets marked as 'TB4' to 'TB6' were examined and compared under the Comparison Microscope Model Lecia DMC and were found identical and it is reported that the bullets marked exhibits 'EB2', 'EB4', 'EB5' & 'EB6' have been discharged through pistol 7.65mm caliber bearing No. 387108 marked exhibit 'F2' (*allegedly recovered from accused/applicant Lavish @ Ankur*) in case SFSL DLH/6559/BAL/1201/19, FIR No. 363/19, PS: Nand Nagri.

Detailed evaluation of evidence or FSL report is not warranted at this stage.

The allegations against the accused/applicant are quite grave in nature. The offences alleged have been committed in a pre-mediated manner and are offences against the public at large. Accused is stated to be previously involved in other criminal case. Possibility of threatening the witnesses or again indulging into criminal activities or similar crime by the applicant/accused cannot be ruled out at this stage.

Considering the gravity of offences, severity of punishment which the alleged offences entail and coupled with above stated reasons, this Court does not deem it a fit case to grant bail to the accused/ applicant Lavish @ Ankur, at this stage. Therefore, the present bail application stands, **dismissed**.

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

11. In comppliance 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*, copy of this order be sent to applicant through concerned Jail Superintendent for information.

12. 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/12.05.2026