

2 SC No. 411-2021
State Vs. Rohit & Ors.
FIR No. 93/2021
PS : Chhawla
U/s : 302/506/34 IPC & 25/27/54/59 Arms Act
CNR No. DLSW01-006424-2021

24.03.2026

ORDER

Present: Sh V.S Chauhan, Ld LADC for the accused/
applicant Rohit.
Shri Girish Kumar Manhas, Ld. Addl. PP for State.
IO is absent.

***This is an application filed by the applicant/accused
Rohit from jail seeking grant of regular bail.***

Learned Legal Aid Defence counsel for the applicant/accused has submitted that the applicant is in custody since 26.03.2021 i.e. for the last about five years. It is submitted that the applicant is innocent and has been falsely implicated in the present case by the police officials of P.S. Chhawla. It is further submitted that there is not an iota of evidence against the applicant for the offences alleged and that the case of the prosecution is false, fabricated and concocted. It is also argued that the applicant belongs to a poor family and is the sole bread earner and also cannot afford the services of a private counsel. Learned counsel has further submitted that there is no likelihood of the applicant absconding or tampering with the evidence and

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that no useful purpose would be served by keeping him behind bars any further. It is further contended that bail is the rule and jail is an exception. It is further contended that the applicant would abide by all terms and conditions imposed by the Court and would appear before the Court on each and every date of hearing. *Accordingly, it is prayed that the applicant may be released on bail.*

IO has filed a detail reply to the present bail application and has opposed the application of the accused/applicant. Learned Addl. PP for the State has also opposed the bail application.

It is contended that on 22.02.2021, the present case was registered at P.S. Chhawla on the statement of the complainant Kapil Dalal, who alleged that he was working as a property dealer and was associated with deceased Naresh @ Karne. It is the case of the prosecution that Naresh @ Karne had a financial dispute with accused Neeraj Tehlan relating to an amount of Rs. 6.5 lakhs and that on 21.02.2021 at about 07:30 PM, the complainant along with Naresh @ Karne, Deepak, Rohit and Himmat Singh were sitting in a room at House No. 117A, S-Block, Shyam Vihar, Phase-I, Najafgarh, Delhi, when five boys carrying pistols entered the room and opened fire upon Naresh @ Karne, who died on the spot. The assailants were identified as *Neeraj Tehlan, Rahul Marodia, Priyavart @ Kala, Rohit, and Ashish Sindhu*. It is further stated that after registration of the case, investigation was taken up, the crime team inspected the

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spot, exhibits were lifted, CCTV footage of the area was checked and all accused persons were allegedly seen in the CCTV footage while entering the room where firing took place. It is also stated that the witnesses identified all the accused persons. Post-mortem of the deceased was conducted at RTRM Hospital vide PM No. 46/21. It is further stated that the applicant Rohit was arrested on 30.03.2021 by Special Cell, Delhi Police and he is a habitual criminal and is previously involved in various heinous cases. It is also alleged that the accused persons brutally murdered the deceased and threatened the complainant and other witnesses. On these grounds, bail has been strongly opposed.

I have heard Learned Addl. PP for the State and the Learned counsel for the applicant/accused and further have perused the record carefully.

It is a matter of record that the applicant is in custody since 26.03.2021. Thus, the applicant has remained in custody for a substantial period. However, the nature of allegations against the applicant are extremely grave. The prosecution case is that the applicant, along with co-accused persons, entered the room armed with weapons and opened fire upon deceased *Naresh @ Karne*, as a result of which he died on the spot. The allegations, thus, pertain to a case of brutal murder committed in furtherance of common intention/common object. It is also not in dispute that although the charge-sheet has already been filed, charges are yet to be framed.

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It is further borne out from the record that the FSL result is still awaited and is yet to be filed before the Court by the investigating authorities. Evidently, no witness has been examined till date. Thus, the trial has not even progressed to the stage of recording evidence.

Therefore, in such circumstances, when the material witnesses are yet to be examined and scientific evidence is also yet to come on record, the apprehension expressed by the prosecution regarding possible influence upon witnesses or prejudice to the trial cannot be said to be unfounded particularly when the stage of trial shows that the charges are yet to be framed and no witness has yet been examined and the FSL result is yet to be brought on record. The contention that there is no evidence against the applicant also cannot be accepted at this stage, inasmuch as the prosecution specifically relies upon the statement of the complainant, the identification by witnesses, the CCTV footage and the material collected during investigation. The contention regarding the poor financial condition of the applicant and his inability to engage private counsel has also been considered. However, the same cannot outweigh the gravity of the allegations and the stage of the proceedings.

Therefore, considering the seriousness of the accusations, the specific role attributed to the applicant, the stage of the case, the fact that charges are yet to be framed, the fact that the FSL result is yet to be filed by the investigating authorities, and the fact that no witness has been examined till date, this

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Court is not inclined to grant bail to the applicant at this stage. Accordingly, the present bail application filed by the applicant/accused Rohit is hereby dismissed.

Copy of this order be sent to the accused through the concerned Jail Superintendent for information.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/24.03.2026