

**SC No. 10/2024**  
**STATE Vs. Kishan @ Patwa**  
**FIR No. 394/2023**  
**PS Karawal Nagar**

07.07.2026

Present: Sh. Abhishek Pandey, Ld. Addl. PP for the State.  
Ld. counsel for the applicant/accused.  
IO Insp. Uttmar Kumar in person.

1. This is the bail application filed on behalf of the applicant/accused Deepanshu @ Ganja.

2. It is submitted by Ld. counsel for applicant that clothes of Deepanshu were sent to FSL but they could not match with the DNA of deceased or any other victim. Further, accused are not visible in the CCTV footage as the video is of night and faces of accused persons are not clear. Further, injured Abhishek has not supported the case of prosecution and his part cross examination is deferred. It is submitted that accused was arrested from his house and arrest memo is not signed by IO. No slab was recovered from the spot. Accused is lying in JC since 05.10.2023. He was apprehended on 04.10.2023 and was made to sit in the police station since then. Further, transit remand was not obtained if accused was arrested from UP. Further, applicant Deepanshu @ Ganja was not known to other accused persons.

3. Ld. APP opposes the bail application whereby submitting that there is CCTV footage to support the case of prosecution. It is submitted that in the CCTV footage, the faces of

accused are clear. It is submitted that there is another video footage which was made by victim Abhishek from his mobile phone. It is submitted that perusal of video footage would show that face of Abhishek is very clear and it shows that camera was in the hands of Abhishek while he was making the video. Further, Abhishek is deliberately not deposing the truth. His mobile phone was seized by IO wherein this video footage was found. Further, presence of Abhishek at the spot is established. Accused persons had given beatings to Abhishek first and left him thinking he is dead but he survived. Then accused gave beatings to deceased Deepak but he died.

4. This Court has heard the submissions from both the sides and gone through the record.

5. IO has played a CCTV footage dt. 04.10.2023. At 01.45 am, it could be seen that deceased was given several knife blows by one person, then another boy comes who hit deceased with his leg, then a third person comes with a very big stone (patthar ki silli) which he has lifted with both hands and had thrown it at the deceased. The deceased falls on the ground and does not get up. The three persons ran away. Due to night, the faces of three boys are not very clear. However, they can be identified by the persons known to them due to their face, hair, body posture etc.

6. IO has played another video which was allegedly made by Abhishek from his mobile in a secret manner. Mobile of Abhishek was seized and the date and time of this video corroborates with the date and time of offence. This mobile was

sent to FSL and according to FSL report, the footage is not tampered. In this mobile video which is played in Court, accused Deepak and victim Abhishek are clearly visible. Further, the audio shows some persons are talking in inebriated condition as it could be made out from the voice.

7. Further, blood of deceased was sent to FSL with the blood on the clothes of accused persons. Further, blood of victim Abhishek was also sent to FSL. As per testimony of PW19, DNA of deceased Deepak matched with the DNA lifted from the pants of accused Kishan @ Patwa and from t-shirt and jeans of accused Deepak.

8. Further, DNA of victim Abhishek matched with the DNA taken from crime scene, which shows presence of Abhishek at the stop.

9. There is a CCTV footage which shows how deceased was killed. There is a contemporaneous video footage from mobile of Abhishek on which cross examination of Abhishek is deferred. Further, presence of Abhishek is established from his blood at the spot and video footage made by him. He has identified the accused in TIP. There is a section 164 Cr.P.C statement of Abhishek which supports the case of prosecution. Though, he has not supported the case of prosecution in Court but his testimony is to be seen in the overall circumstances of the case. At this stage, it is difficult to comment if he is speaking the truth or not. Further, he is yet to be cross examined.

10 In the overall circumstances of the case including TIP,

section 164 Cr.P.C statements and video footage where accused persons are yet to be identified by Abhishek, this Court is not inclined to grant bail to accused Deepanshu @ Ganja, hence the same is hereby **dismissed**.

11. Application stands disposed off accordingly.
12. Copy of this order be given dasti.

(Twinkle Wadhwa)  
ASJ-02(NE)/ KKD/Delhi  
07.07.2026/nk