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SC 9296/2016
STATE Vs. DYANAND
FIR No. 396/2015
PS: Delhi Cantt.

16.04.2026

Present: Sh. Shiv Kumar, Ld. Addl. PP for the State.

Accused Dayanand is present on bail.

Accused Kaushal @ Kimmi @ Ghanshyam is
produced from CJ-02, Tihar Jail, through VC.

Sh. Rakesh Vats and Sh. Raneesh Nadeem, Ld.
Counsels for accused persons.

Vide separate order of even date, regular bail
application moved on behalf of accused Kaushal @ Kimmi @
Ghanshyam is dismissed.

Today, the matter is fixed for PE.

Ld. Addl. PP submits that FSL result not received
and IO and Director be directed to expedite the filing of FSL
result positively on or before the NDOH.

Accordingly, SHO/ Director FSL are directed to
expedite the filing of the FSL result, positively on or before the
NDOH.

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PW-29 ASI Jitender be summoned afresh for the NDOH.

Looking to the nature of long custody of accused Kaushal @ Kimmi, a short date is given i.e. 04.05.2026.

At this stage, Ld. Counsel for accused prays for a date of 06.05.2026.

Accordingly, matter be listed for PE on **06.05.2026**.

IO and SHO are directed to be present on the NDOH.

As per the report of Addl. DCP, South West District dated 27.02.2026, the Addl. DCP has to file the report with regard to letters of misconduct issued against the officers mentioned in the said letter regarding action taken against them.

(SYED ZISHAN ALI WARSI)
Addl. Sessions Judge-04
Patiala House Courts
New Delhi/16.04.2026

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u/s 302/120-B IPC & 25/27 Arms Act

16.04.2026

As per the submission of counsel for the applicant, this is the 3rd application for regular bail filed on behalf of applicant / accused Kaushal @ Kimmi @ Ghanshyam and also there is no bail application of this nature or any other bail application is either pending but vide order dated 31.07.2025, the Hon'ble High Court has ordered Bail Appn. No. 2825/2025 as withdrawn.

Present: Sh. Shiv Kumar, Ld. Addl. PP for the State.
Sh. Rakesh Vats, Ld. Counsel for the applicant.
Sh. Om Prakash (father of deceased Clieve) in person.

Ld. Counsel for the applicant submits that as per the initial investigation, the complainant Pramod has not taken the name of the present applicant and they have stated that one person with face covered had shot on the deceased Clieve. The brother of deceased John Prakash has implicated the present applicant, however, he was not an eyewitness and he has not seen the incident and he was not present at the scene of incident. It is also submitted that the present applicant is in custody since 06.01.2017 and for more than 09 years he is in custody and FSL

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report is not filed by the prosecution, due to which delay in trial occurring since 19.03.2025 i.e. for about last one year no further testimony of witness is recorded due to delay in FSL and near about 30 witnesses have been examined. Lastly, it is submitted that due to delay in filing the FSL report, the Right to Life and Personal Liberty of the applicant cannot be curtailed. During arguments, Ld. Counsel has relied on judgment of Hon'ble Supreme Court in Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Another; Criminal Appeal No. 2787 of 2024 (Arising out of SLP (Crl) No. 3809 of 204), decided on 03.07.2024. It is prayed that the present application be allowed. He will abide by the terms and conditions imposed by this court.

Per contra, the application is vehemently opposed by the Ld. Addl. PP for the State on the ground that there are serious allegations against the applicant. It is submitted that near about 30 witnesses have been examined and they have supported the prosecution story and FSL result will be filed in near future. It is further submitted that the allegation against the applicant is of causing gunshot injury to the deceased. It is also submitted that the bail application of the present applicant was dismissed on merits by this court vide order dated 24.03.2025 and the Hon'ble High Court of Delhi dismissed as withdrawn but after making some submissions by the Ld. Counsel for the petitioner before the Hon'ble High Court vide order dated 31.07.2025. It is prayed

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that the application be dismissed.

Father of deceased Clive submits that the applicant is a habitual offender and he committed regular incidents of robbery, harassing the women and intimidating the people of C.V.D. Delhi Cantt. and he is involved in multiple cases of murder and attempt to murder including more than 13 cases.

Arguments heard. Record perused.

Brief facts of the present case in nutshell are like that: On 27.07.2015, an information was received at PS Delhi Cantt., New Delhi regarding admission of a dead person namely Clive S/o Om Prakash due to gun shot injury. In the hospital eyewitness Parmod S/o Shambhu Sarna stated that he was standing near CVD line park along with his friends Clive and Vivek in the night. In the mean time one white colour swift car came and one person alighted from the car and fired on Clive. Clive fell on the ground and that person ran away in the swift car. On his statement the above mentioned case was registered and investigation was carried out. During the course of investigation postmortem of the deceased was conducted vide No. 977/15 and dead body was handed over to the family members. As per post mortem report which stating the cause of death as hemorrhagic shock from a firearm injury, which was fresh and anti-mortem. On 08.10.2015, accused Dayanand @ Desi @ Jhakra was arrested and interrogated by the IO. Accused Dayanand @ Sonu

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Desi, on interrogation disclosed that he along with his friends Ghanshyam @ Kimmi and Bandia came to CVD line on 26.07.2005 in a white car bearing no. DL-3S-AB-1000 and near CVD line park Ghanshyam @ Kimmi shot one person with pistol. After the firing they ran away in the said car. During course of investigation accused Dayanand @ Sonu Desi disclosed that in the night of 26-27.07.2015, he along with his associates Ghansyam @ Kimmi @ Kaushal and Bandia committed the murder of Clive. Later on 06.01.2017, applicant/accused was arrested. He was interrogated regarding the case and he disclosed that he murdered Clive with his associates namely Dayanand @ Sonu Desi @ Jhakra and Bandia as Clive had beaten his brother Paras. To avenge the beating of his brother Paras Ghanshyam @ Kaushal @ Kimmi hatched a plan to kill Clive and in the intervening night of 26.07.2015, he came in CVD Line Sadar Bazar Delhi Cantt. with his associates Sonu Desi and Bandi and fired on Clive who died due to gun shot injury.

Relevant para of order dated 24.03.2025 passed by Ld. Predecessor of this court is reproduced as follows:

“I have perused the entire record file. The accused/applicant alongwith co-accused Dayanand is facing trial of murder of Clieve. I have also perused the testimony of the witnesses relied upon by the

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prosecution, PW5 and PW6 are the eye witnesses to the incident. PW6 has correctly identified Kaushal @ Kimmi @ Ghanshyam as the person who had fired at his brother Clieve. The matter is at the stage of conclusion of evidence. As per record, present applicant is the BC of the area and had various previous involvements in the past. He is facing trial in other matters also.”

This court has perused the testimony of PW-6 John Prakash i.e. brother of deceased Clieve. In his testimony, he has specifically stated that he saw that his brother Clieve has been shot by one person and in the cabin light inside the Swift car he saw the person who shot his brother, was having a white colour handkerchief cloth around his neck below the chin and the area was well lighted and he clearly saw the face of the said person who had fired the gunshot on his brother and he was carrying a pistol in his hand and was a local boy of their area named Kimmi i.e. present applicant who is the bad character of that area. Although, there has been delay in delay due to FSL, but on each and every date, specific directions were made to Director FSL to expedite the filing of the FSL result. Further, looking to the serious nature of the offence as well as dismissal of the bail application on merits by this court vide order dated 24.03.2026 and the case law relied on by the Ld. Counsel for the applicant is not applicable to the present case as the facts and circumstances of the present case are different, no ground is made out for

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releasing the accused on bail. **The application is accordingly dismissed.**

Nothing stated herein above shall tantamount as an expression of opinion on the merits of the case. The copy of the order be given dasti to the Ld. counsel for accused / applicant and one copy of the order be sent to concerned Jail Superintendent to be served upon the accused / applicant.

(SYED ZISHAN ALI WARSI)
Addl. Sessions Judge-04
Patiala House Courts
New Delhi/16.04.2026