



2025:DHC:6307



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 31st July, 2025

+ BAIL APPLN. 1172/2025

SAHIL ALIAS BHONDI

.....Petitioner

Through: Mr. Gautam Khazanchi, Mr. Vaibhav Dubey, Mr. Khush and Ms. Yukta Batra, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State with SI Geetam Singh, PS Badarpur Inspector Rajesh Brar, Div OND

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ARUN MONGA, J. (Oral)

1. The instant bail application has been filed seeking regular bail in case FIR No. 11/2024 dated 10.01.2024 registered under Sections 302/34 IPC at Police Station Badarpur, Delhi.

2. Case of the prosecution as per FIR allegation is that: On the night of 09.01.2024, at about 2:30 AM, HC Natvar while patrolling near Meat Chowk, Gautampuri Phase-1, saw four boys dragging an injured person covered in blood. On seeing the police motorcycle, the said boys left the injured person and ran towards BIW Colony NTPC.

2.1 On approaching the injured person, it was found that he had no



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clothes on the upper part of his body, had sustained multiple injuries caused by sharp weapons like a knife, and appeared to be dead.

2.2 Thereafter, near the NTPC gate, HC Natvar saw SHO, his driver Ct. Rajiv, and HC Rajesh chasing three-four boys. HC Natvar identified them as the same boys who had left the injured person at Meat Chowk. HC Natvar and HC Rajaram surrounded the boys from the front. On being surrounded, the four boys started running in different directions. One of them hit HC Natvar while trying to escape, causing both of them to fall, but HC Natvar managed to apprehend him. SHO caught one boy, Ct. Rajiv caught one near the slums of Subhash Camp, and HC Rajesh caught the fourth boy with the help of HC Rajaram.

2.3 On interrogation, the name of the boy caught by HC Natvar was revealed as Harshit S/o Raju; the boy caught by Ct. Rajiv was Sumit S/o Johny @ Sanjeev; the one caught by SHO was Armaan @ Kurru S/o Surrender; and the one caught by HC Rajesh/HC Rajaram was Saif Ali Khan @ Sameer @ Fuddan S/o Mohd. Salim. They disclosed that a fifth boy, Sahil @ Bhondi S/o Sanjay/applicant, was also involved in the incident and had fled in another direction. It was stated that all five were involved in the incident and were dragging the injured/deceased person, later identified as Gaurav S/o Uddham Singh, to dispose of him in the drain. On seeing the police at Meat Chowk, they left him and ran away.

3. Learned counsel for the applicant contends the applicant has been falsely implicated. He was picked up from his house without any incriminating material linking him to the offence. The chargesheet filed on 03.04.2024, under Sections 302/34 IPC, contains no recovery or discovery at



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his instance, and his alleged involvement is based solely on the belated disclosure statements of co-accused persons.

3.1 It is further submitted that the applicant was not present at the scene of offence, and the initial GD No. 7A mentions only four unknown persons, not including the applicant. Learned counsel for the applicant further states that the applicant was earlier granted interim bail for fifteen days on 25.04.2024 by the Ld. ASJ, Saket Court, due to the death of his child whereby the applicant duly surrendered in compliance with the directions passed by the Trial Court and there is no allegation of misuse of liberty or tampering with evidence during that period.

3.2 Learned counsel argues that the prosecution's case is purely circumstantial, and the statements relied upon are not substantive piece of evidence in terms of Section 30 of the Evidence Act. The alleged instigator, Bhavana, has neither been named as an accused nor a suspect in the present matter, rendering the chargesheet incomplete qua the applicant, entitling him to statutory/default bail.

3.3 He urges that the applicant satisfies the triple test for bail laid down by the Supreme Court in *P. Chidambaram v. CBI*, (2020) 13 SCC 337 as there is no risk of tampering with evidence, influencing witnesses, or flight. It is argued that the applicant has already spent more than one year three months and 2 days of incarceration in custody pending trial, especially when the investigation is complete.

4. Opposing the bail plea, learned APP would submit that the applicant is involved in the heinous crime and trial is at nascent stage and he cannot be let off. As a juvenile also he was implicated in another similar crime, she



would point out.

5. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

6. The applicant stands before this Court claiming himself to be innocent. He claims that merely because as a juvenile he was involved in a similar incident, he has been made a suspect in the case despite there being no material, whatsoever, of any kind against him, except for the fact that he was seen in CCTV half an hour prior at the scene of occurrence where the entire incident took place. Only 4 persons were videographed in the CCTV at the time of the incident and have also been identified by the eye witnesses. The eye witnesses have duly supported the CCTV footage while recording of their statements under Section 161 by the investigating officer and that they have not named the applicant.

7. In fact the matter was earlier heard by this Court on 21.07.2025 and the following order was passed:

“1. Learned APP for the State seeks time to file a fresh status report for the roll attributed to the petitioner other than the disclosure statement of the four co-accused persons. Let the same be filed before the next date of hearing.

2. List on 31.07.2025.

3. In the meantime, Trial Court record in digitized form be requisitioned for the next date of hearing.”

8. Apropos, fresh status report has been filed by the prosecution. The relevant thereof is extracted hereinbelow:

“4. That during preliminary interrogation, the apprehended accused revealed that a fifth person, Sahil @ Bhondi (the present applicant), was also involved and had gone elsewhere after the



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incident. The four accused were dragging the deceased, Gaurav Kumar S/o Udham Singh, intending to dispose of the body in a nearby drain. Based on the disclosure of accused Armaan @ Kurru, the applicant was also arrested on his instance.

5. That on the instance of accused Armaan @ Kurru, the murder weapon (knife) was recovered from beneath a water drum in Subhash Camp. The clothes and footwear worn by the accused at the time of the incident were seized and sent to FSL for forensic examination. The FSL result has been received and the blood of deceased is found on the murder weapon, clothes/footwears of accused Armaan @ Kurru, CCL Saif Ali Khan and CCL Harshit. The blood of deceased is not found on the clothes/sandals of accused Sahil @ Bhondi. However, the blood of CCL Sumit was found on his own clothes/footwear.

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10(a) Camera No. 5306363 (Meat Chowk): As per the footage dated 09.01.2024, at 22:31:14 hrs, Armaan @ Kurru, Sumit, Harshit, Saif Ali Khan, Sahil @ Bhondi, and their two friends Natthu and Bibbo can be seen coming from the Allu Park side towards Meat Chowk behind three boys and a rickshaw. They appear to be searching for someone at Meat Chowk.

On 10.01.2024, at 00:29:36 hrs, the deceased Gaurav Kumar is seen heading from BIW Colony towards DSUIB Office (Makwana Chowk).

At 00:30:10 hrs, CCL Saif Ali Khan is seen running towards Meat Chowk and then turning back, calling his companions. At 00:30:24 hrs, CCL Harshit joins him, and both head towards DSUIB Office in the same direction as Gaurav Kumar.

At 00:31:35 hrs, some individuals are seen behind the electric pole and kiosk at Meat Chowk. At 00:31:47 hrs, two of them Sumit and Armaan @ Kurru Their associate Sahil @ Bhondi is seen leaving in an auto at head towards Meat Chowk. 00:31:46 hrs.

At 00:31:56 hrs, Armaan @ Kurru and Sumit are seen moving towards DSUIB Office.

At 00:55:55 hrs, Harshit is seen coming from the incident site



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towards Meat Chowk with a torch or mobile phone in hand. On seeing the police patrol motorcycle, he flees towards BIW Colony NTPC. Behind him, Sumit, Saif Ali Khan, and Armaan are also seen running in the same direction. The police patrol motorcycle follows them and returns to Meat Chowk at 00:58:00 hrs and inspects the deceased.

supplementary report filed before the concerned court.

12. That during the course of further investigation the eye witnesses Abhishek, Raman, Shankar & Sumitra @ Lali were examined in the case u/s 161 Cr.P.C. and their statements were recorded. They seen four accused persons namely Armaan @ Kurru, Sumit, Harshit and Saif Ali Khan stabbing the Gaurav Kumar @ Paggal with knife in front of DSUIB Office. They did not see applicant Sahil @ Bhondi at the spot.

13. That from the analysis of CCTV footage, it appears that the applicant Sahil @ Bhondi was not present while the deceased was stabbed by Armaan @ Kurru, CCLs Harshit, Sumit and Saif Ali Khan but he was present just before the incident and was seen with the accused persons when they were planning to search and kill the Gaurav Kumar @ Paggal. He was present in Allu Park with the other accused persons, he was present at meat chowk just before the time when the other four accused persons started chasing Gaurav Kumar @ Paggal.”

9. A perusal of the aforesaid clearly reveals that, to the extent that the applicant was neither seen at the spot at the time of occurrence at 12:39 AM nor named by the eye witnesses nor even found in the CCTV footage, seems to be correct.

10. Though the fact that he is seen in the CCTV footage half an hour prior to the incident is also disputed by the applicant, be that as it may, the applicant was seen about 8 minutes, i.e. at 12:30 AM in the CCTV footage leaving in an auto rickshaw, which seems to be the contributory factor of his being part of the group of the other four co-accused, who were caught in the



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CCTV footage. He has thus been arrayed on the basis of mere suspicion as a co-accused. At this stage, the said suspicion remains a matter of trial.

11. Looking at the totality of the circumstances and the material unearthed against him, to me, it appears a fit case for grant of bail.

12. The applicant is stated to be a young boy of 19 years and the only son of his parents and being a family person, there is no likelihood of his absconding if granted the concession of bail. Moreover, the same is also borne out from the fact that he was accorded the concession of interim bail by the Trial Court during pendency of the trial and he surrendered as per the conditions of the bail and did not either abuse the said liberty or otherwise misconducted himself during the bail period.

13. Taking wholesome view of the matter, the applicant is directed to be enlarged on bail during pendency of the trial, subject to his furnishing bail bonds and surety of equivalent amount to the satisfaction of the Trial Court, subject to the other conditions which are deemed appropriate to be imposed by the learned Trial Court.

14. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

15. The bail application is disposed of accordingly.

ARUN MONGA, J

JULY 31, 2025

kd/srh