



2026:DHC:597



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

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*Judgment reserved on: 15.12.2025**Judgment delivered on: 23.01.2026*+ **BAIL APPLN. 406/2025****SHUKVINDER SINGH @ SANJU**

.....Petitioner

Through: Mr. Sidhanth Mor, Mr. Laxmi
Narayan and Ms. Simran Aggarwal,
Advs.

Versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for State
with Insp. Sudhir Rathi P.S. Narela
Industrial Area, Delhi.

CORAM:**HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J**

1. The present application has been filed under Section 483 BNSS seeking regular bail in connection with FIR No. 50/2019 under Sections 302/120B/34 IPC read with Sections 25/27/54/59 of the Arms Act registered at PS Narela Industrial Area.
2. The case of the prosecution is that on 01.02.2019, a PCR call regarding murder was received at PS Narela Industrial Area. The IO reached at the informed spot and found the deceased, namely Vikas, lying in a pool of blood inside an Eeco Van having gunshot injuries on his face. Based on the DD entry, the case was registered



3. The complainant namely, Hansraj, who was found present by the police at the spot alongwith his brother Mr. Raj Bahadur (father of deceased), stated that marriage of their niece was fixed on 19.02.2019 and since there was death threat to the deceased by a village rogue who is also a co-accused in the present case namely, Dushyant @ Monu, and for that particular reason complainant came to Maan Public School where deceased was working as a van driver, for giving marriage card to the deceased, who was residing somewhere in Rohini. He further stated that after reaching near the school, he heard the sound of a gunshot. Thereafter, three persons came running from the front, out of which two were carrying arms, and all three persons fled away in a golden-colour Honda City Car bearing registration no. DL-3C-AK-5231, in which two other persons were already sitting. After reaching at the spot, he found that the deceased had been shot dead with a bullet in his head.

4. He further stated that he had seen the assailants earlier with co-accused Dushyant @ Monu at his house about 2-3 days before the incident, and he is sure that Dushyant @ Monu had sent these assailants to murder the deceased.

5. During investigation, after examination of Honda City Car, it was found that blood marks were present on the seat cover of the car. It was also found that the CCTV footage of the CCTV cameras installed at the gate of Maan Public School is not a footage of crime scene as the same was out of cameras' range, but it shows the clip where the accused person's car is seen following the car of the deceased and approximately 5 minutes later accused



person's car is seen returning.

6. In the investigation, it also came to light that the deceased had an old rivalry with co-accused Dushyant @ Monu and as per the status report the deceased was not visiting the village Pooth Khurd due to threat of death by Dushyant @ Monu.

7. On 15.02.2019, petitioner and one co-accused Sunil @ Bhura were arrested and they disclosed about their involvement in the murder of deceased.

8. The firearms were recovered from the accused persons, i.e., the petitioner herein and co-accused Sunil @ Bhura. The petitioner and other co-accused persons were identified by the public person who had made the video of the accused shooting at deceased. The petitioner and co-accused Sunil were identified by the witness of the crime scene, namely, Hansraj.

9. Mr. Siddhant Mor, learned counsel appearing on behalf of the petitioner submits that the case of the prosecution hinges on the statements of two eye witnesses, namely, Hansraj and Sumit. He submits that Hansraj was examined by the prosecution as PW-5 and during his examination-in-chief, recorded on 14.07.2025, he pointed towards accused Sunil and Shukvinder Singh (petitioner herein) being the persons who had fired gunshots on deceased Vikas. However, in his cross-examination recorded on 17.07.2025, he stated that three assailants were covering their faces and he could not see their faces properly.

10. He submits that the other witness namely, Sumit who was examined as PW-6 turned hostile and did not support the case of the prosecution and



when he was cross-examined by the learned APP for the State, nothing material could be elicited from him against the present petitioner. Even when the accused persons Sunil and Shukvinder Singh were shown to him, he stated that he do not know the persons shown to him and had seen them for the first time in the Court on the said date.

11. Mr. Mor further contends that the recovery of weapon is not a substantive piece of evidence and at best it can be used for corroboration. He submits that the CCTV footage on which the prosecution is placing reliance, was taken from the CCTV camera installed at the gate of Mann Public School and the status report specifically mentions that the crime scene was out of the range of the said CCTV camera. What could be seen in the CCTV footage is the vehicles used by the deceased and the vehicle allegedly used by the accused persons, which does not conclusively establish the presence of the petitioner at the time of crime and his involvement in the commission of the offence, for which he has been charged.

12. With regard to the mobile phone of PW-6/Sumit, he submits that FSL could not comment on the same as the same could not be charged/turned on, hence was returned unexamined.

13. He submits that the petitioner is already in custody for the past 6 years and 8 months and the jail conduct of the petitioner is satisfactory as per the nominal roll dated 16.05.2025. He submits that the prosecution has cited as many as 44 witnesses and only 06 witnesses have been examined till date. Therefore the trial is likely to be protracted further. He submits that this Court itself had directed the Trial Court to expedite the trial vide orders



dated 19.05.2025 and 29.08.2025. It is pursuant to the said orders that both the eye witnesses were examined. He, therefore, urges that the petitioner be released on bail.

14. *Per contra*, Mr. Tarang Srivastava, learned APP appearing on behalf of the State has argued on the lines of status report. He further submits that petitioner is a member of Gang of Dushyant @ Monu and works for him, and the members of the said Gang kill people of the rival gangs on the direction of their Gang leader Monu.

15. He submits that the offence alleged is serious and the petitioner has previous involvements as well, therefore, he should not be released on bail.

16. I have heard Mr. Siddhant Mor, learned counsel for petitioner and Mr. Tarang Srivastava, learned APP for the State and have peruse the record.

17. The substantive piece of evidence pressed against the present petitioner is the eye witness account of two witnesses namely, PW-5/Hansraj and PW-6/Sumit.

18. This Court is conscious of the fact that while dealing with the bail plea of the petitioner, the evidence and the testimonies of the eye witnesses are not to be examined in detail and commented upon so as to convert the present proceedings into mini trial.

19. Therefore, this Court has perused the testimonies of PW-5/Hansraj and PW-6/Sumit only for the limited purpose of deciding the present bail application. A bird's eye view of the testimony of PW-5/Sumit shows that in his examination-in-chief recorded on 14.07.2025, he identified the petitioner and co-accused Sunil being the persons who had fired gunshots at



Vikas. However, during his cross-examination recorded on 17.07.2025, he took a diametrically opposite stand and stated that the three assailants were covering their faces, therefore, he could not see their faces properly.

20. Likewise, a perusal of the statement of PW-6/Sumit shows that the said witness did not support the case of the prosecution. Accordingly, learned APP was permitted to cross-examine the said witness. Even in the cross-examination, nothing material could be elicited from the said witness.

21. Though the probative value of the testimonies of PW-5 and PW-6 and their credibility will be examined by the learned Trial Court during the stage of trial, however, at this stage, the fact that one of the eye witnesses PW-6/Sumit has not supported the case of the prosecution at all and the other witness PW-5/Hansraj took diametrically opposite stand in the examination-in-chief and cross-examination with regard to the identification of the accused persons, tilts the balance in favour of the petitioner for the purpose of granting bail, particularly having regard to his long custody of 06 years 09 months and the fact that all material public witnesses have been examined.

22. As regards CCTV footage which has been pressed into service by the prosecution, suffice it to note that in the status report an observation has been made that the CCTV cameras from which the CCTV footage was recovered was installed at the gate of Mann Public School and the crime scene was out of its range. Likewise, in respect of mobile phone of PW-6/Sumit, in the status report it has been mentioned that the said phone could not be examined in the FSL since the mobile phone could not be



charged/turned on. Therefore, these two electronic evidence would be of no avail to the case of prosecution.

23. This Court also notes that nominal roll which has been placed on record shows that petitioner had completed custody of 06 years 01 months 14 days as on 14.05.2025. Therefore, as on date it could be safely assumed that the custody period of the petitioner as on date would be more than 06 years and 09 months. The prosecution has cited as many as 44 witnesses but till date only 06 witnesses have been examined, therefore, the conclusion of the trial does not appear to be anywhere in sight in the near future. In the given facts and circumstances of the case, petitioner cannot be kept in custody for indefinite period to await the outcome of trial.

24. The jail conduct of the petitioner for the last one year also appears to be satisfactory on perusal of the nominal roll.

25. As regards two other cases registered against the petitioner are concerned, this Court observes from the nominal roll that the petitioner is already on bail in other cases. Even otherwise, the pendency of other cases cannot be the sole basis for denying the bail.

26. The availability of petitioner during the trial can otherwise be ensured by putting appropriate condition.

27. Considering the overall circumstances, this Court is of the view that petitioner has made out a case for grant of regular bail. In view of the above facts and circumstances, the petitioner is admitted to regular bail, subject to his furnishing a personal bond in sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM,



further subject to the following conditions:

- (a) The petitioner shall not leave city/NCR region without informing the local SHO; and
- (b) The petitioner shall provide his mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- (c) The petitioner shall not contact any witnesses, or temper with evidence, or indulge in any criminal activity.
- (d) The petitioner shall report on 1st and 3rd Saturday of every month to the IO concerned for marking of his presence. In the event the IO is not available in the police station, the petitioner shall mark his presence by making a video call from the police station. The IO is directed to allow the petitioner to leave immediately after marking his presence and the IO shall not detain him unnecessarily.

28. In case of breach of any of the above conditions, the State or the Complainant/Victim shall be at liberty to seek cancellation of petitioner's bail.

29. It is clarified that the observations made hereinabove are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.

30. The petition stands disposed of.

31. Copy of the order be forwarded to the concerned Jail Superintendent



2026:DHC:597



for necessary compliance.

32. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

JANUARY 23, 2026/jg