



2025:DHC:2481



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.04.2025

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BAIL APPLN. 920/2025

VINOD @ BINNU

.....Petitioner

Through: Mr. B.M. Shukla, Advocate

versus

THE STATE GNCT OF DELHI & ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for the State
with Insp. M.S. Kamal, SHO and
Insp. Sri Bhagwan, PS Rajouri
Garden, Delhi**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks bail in case FIR No. 03/2022 of Police Station Rajouri Garden, Delhi for offence under Sections 302/34 IPC.
2. I have heard learned counsel for accused/applicant as well as learned prosecutor.
3. Broadly speaking, the case set up by prosecution is based on circumstantial evidence, in the form of evidence of last seen and recovery of weapon of offence at the instance of accused/applicant from dicky of



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scooter of father of the accused/applicant. The FIR was registered on the basis of recovery of a dead body about which an unknown person had informed the local police over phone. In the course of investigation, two witnesses namely Vicky and Varun informed the investigating officer that on 31.12.2021, they were working at Subhash Nagar where the deceased Chandan came during lunch time and started the whitewash work with them; that at about 08:00pm., all three of them left that working place and the deceased had an urge for smoke (*beedi*); that since the Covid lockdown was in operation, all three of them reached at a *jhuggi* near Surya Grand Hotel at 12:30am, where the accused Santosh and Vinod @ Binnu (*applicant herein*) were present; that there, Chandan asked accused Santosh for *beedi*, which followed exchange of hot words and abuses between them and at that stage, the witnesses Vicky and Varun left the spot. By way of telephonic call at about 03:42am, information about finding of a dead body was received by the police. Further, during investigation, the accused/applicant led the investigating party and got recovered the knife (*used in killing Chandan*) from dickey of scooter of his father. The said knife, on DNA profiling was found to be smeared with blood of the deceased Chandan.

4. Learned counsel for accused/applicant argues that the entire case set up by the prosecution is false. It is also contended by him that neither the accused/applicant was present at the spot of the alleged occurrence nor any incriminating article was recovered at his instance. Learned counsel for



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accused/applicant contends that the knife was planted on the accused/applicant. No other argument has been advanced.

5. In response to a specific query, learned counsel for accused/applicant submits that he cannot say as to why the accused/applicant would be falsely booked in this case.

6. Learned prosecutor has also shown me the testimony of PW2 Vicky, the witness of the alleged last seen and knife recovery circumstances. It is informed that the other witness Varun has expired.

7. Considering the nature of offence and the evidence on record, I do not find it a fit case to release the accused/applicant on bail. The application is dismissed.

8. Copy of this order be sent to the Jail Superintendent for being communicated to the accused/applicant.

GIRISH KATHPALIA, J

APRIL 9, 2025

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