

(2025) 10 DEL CK 1240

In the Delhi High Court

Case No : Bail Application No. 2299 Of 2025

Rehan Gaonwala

APPELLANT

Vs

State Nct Of Delhi

RESPONDENT

Date of Decision : 08-10-2025

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 307, 385, 506

Citation : (2025) 10 DEL CK 1240

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Vineet Jain, Aman Usman, Amit Chadha, Atul Kumar Sharma, Mohd. Qasim, Aditya Raj, Nitin Kumar, Ankit Yadav, Haryas Singh, Dhruv Tomar, Kartik Shoukeen

Final Decision : Dismissed

Judgement

Ravinder Dudeja, J

1. This is an application filed on behalf of applicant Rehan @ Gaonwala, seeking regular bail in case FIR no. 429/2023 registered under sections 307/385/506/120-B/34 IPC at PS Chandni Mahal.

Factual Matrix:

2. On 05.11.2023, a quarrel broke out at H.No. 1196, Rakabganj, Chandni Mahal, Delhi, between the complainant Mohd. Tahir, his nephew Anas and family, and their neighbours Mohd. Rehan, Irfan, Noman, and associates including Gayasuddin. The dispute arose from prior enmity, extortion demands of ₹ 5 lakhs, and earlier criminal cases registered by Tahir against them. In the attack, Tahir was beaten with fists and a bat while his nephew Anas suffered multiple grievous head injuries caused by repeated blows with a wooden bat. Later, at LNJP Hospital, Rehan and his associates again attacked Anas with a surgical blade. Weapons, bloodstained clothes, and CCTV footage were seized during investigation, Gayasuddin confessed to acting at the behest of the three

brothers, and the aforesaid FIR under Sections 307/385/506/120-B/34 IPC was registered.

3. Applicant Rehan @ Gaonwala is stated to identified as the principal assailant who, along with his brothers, led the attack, directly assaulted the complainant party, and inflicted grievous injuries on the victim with deadly weapons, thereby playing a central role in the conspiracy and execution of the offence.

Submissions on behalf of the applicant:

4. Learned counsel for the applicant/ Rehan @ Gaonwala submitted that the petitioner has been in custody since 17.11.2023, i.e., more than one and a half year and only 4-5 witnesses out of 36 cited have been examined, as prosecution witnesses have deliberately avoided appearance, causing undue delay and violation of his right to a speedy trial. It has been argued that the petitioner has been falsely implicated due to prior enmity, as two false FIRs lodged earlier against him and his brother have ended in acquittal. The FIR was lodged after an unexplained delay of 24 hours, and none of the 6-7 DD/GD entries recorded around the time of the incident mention his name. Even the CCTV footage does not show his role, and the complainant himself specifically named other persons, thereby excluding him. Investigation is complete, charges have been framed, no recovery or motive is attributed to him, and the complainant's MLC records only simple injuries, entitling the petitioner to bail.

Submissions on behalf of the State/Respondent:

5. Learned APP, assisted by the learned Senior Counsel, has opposed the bail application, submitting that applicant is a BC of PS Chandni Mahal and has chequered criminal history with multiple criminal cases being registered against him. He in connivance with other co-accused persons extorted money and when not given, hatched a conspiracy attempting to murder the complainant and his family members in order to extort money from him.

6. It is submitted that there is involvement of many other accused persons and one of them named Salman has been declared as Proclaimed Offender and if released on bail, the applicant may hamper the investigation and it may difficult to trace other accused persons. It is also argued that there is genuine apprehension that applicant will threaten the complainant and the witnesses because all of them are the residents of the same locality and from his previous conduct, it is clear that he is desperate to kill the complainant and his nephew Anas.

7. It is submitted that although co-accused Irfan and Gayasuddin have been released on bail, but applicant is the main accused, who played an active role in assaulting Anas at the residence of the complainant as well as at the hospital, as is also evident from the CCTV footage. It is submitted that applicant is visible in the CCTV footage moving to the place of occurrence along with other co-accused. The eye witnesses already examined have supported the given version in the

charge sheet and there is apprehension that if granted bail, he may commit another offence and harm the complainant and his family.

Submissions made on behalf of the Complainant:

8. Learned Senior Counsel for the complainant submits that three public witnesses including Raja, who allegedly saw the applicant carrying surgical blade, are yet to depose before the court and that one public witness was earlier pressurized by the applicant to withdraw his complaint.

9. It is further submitted that co-accused and the brother of the applicant named Irfan were released on bail, he made a video in which he could be seen sitting in an open car with a cigarette in his mouth, followed by many criminal type boys with him, which clearly shows that they are the goons of the locality and tried to make their image of hardcore criminal.

10. Learned Senior Counsel submits that there is a real and continuing threat perception as the applicant has means and influence to pressurize the witnesses. Enlarging the applicant on bail at this stage, would jeopardize the fair trial. He states that right to speedy trial cannot be invoked to dilute the seriousness of the allegations where the offences are of grave nature punishable to life imprisonment and where the applicant is habitual offender with capacity to subvert justice.

Analysis and Conclusion

11. Applicant Rehan @ Gaonwala is stated to be the main accused who not only participated in the first assault but also attacked the injured Anas with surgical blade at the hospital. The weapon of offence has been recovered from his possession. Thus, his role is different from other co-accused persons who have been enlarged on bail, and therefore, he is not entitled for the grant of parity.

12. The gravity of the offence, the manner in which it was executed, the premeditated attack in a public place and subsequently in a hospital, the nature of injuries caused, and the antecedents of the petitioners collectively outweigh the submissions on parity and delay. Bail jurisprudence dictates that while the object is not to punish prior to conviction, courts must balance individual liberty with the interest of society. In the present case, the likelihood of the petitioner repeating similar offences, intimidating witnesses, and disturbing public peace is sufficiently established to disentitle him to the concession of bail.

13. It is important to note that, the accused persons first attacked Tahir and Anas in the first spot and when the victim was taken to the LNJP hospital, the accused persons attacked the victim in the hospital again with the motive to kill. In *Sanjay Chandra v. CBI* (2012) 1 SCC 40, the Supreme Court inter alia held as under;

"37. The principles, which the Court must consider while granting or declining bail, have been culled out by this Court in *Prahlad Singh Bhati v. NCT, Delhi*

[(2001) 4 SCC 280 : 2001 SCC (Cri) 674] thus: (SCC pp. 284-85, para 8)

"8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of [the] evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words 'reasonable grounds for believing' instead of 'the evidence' which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."

38. In State of U.P. v. Amarmani Tripathi [(2005) 8 SCC 21 : 2005 SCC (Cri) 1960 (2)] this Court held as under: (SCC pp.31 & 32, paras 18 & 22)

"18. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail [see Prahlad Singh Bhati v. NCT, Delhi[(2001) 4 SCC 280 : 2001 SCC (Cri) 674] and Gurcharan Singh v. State (Delhi Admn.) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41 : AIR 1978 SC 179]]. While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in Kalyan Chandra Sarkar v. Rajesh Ranjan [(2004) 7 SCC 528 : 2004 SCC (Cri) 1977] : (SCC pp. 535-36, para 11) '11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid

of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
- (b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.
- (c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh [(2002) 3 SCC 598 : 2002 SCC (Cri) 688] and Puran v. Rambilas [(2001) 6 SCC 338 : 2001 SCC (Cri) 1124] .)’

22. While a detailed examination of the evidence is to be avoided while considering the question of bail, to ensure that there is no prejudging and no prejudice, a brief examination to be satisfied about the existence or otherwise of a prima facie case is necessary.”

14. At this juncture, it is pertinent to note the observations of the Supreme Court in Bhagwan Singh v. Dilip Kumar @ Deepu @ Deepak and Anr. 2023 INSC 761, wherein it was held that the grant of bail is a discretionary relief to be exercised judiciously and not as a matter of course, depending upon the contextual facts of each case. The Apex Court underscored that while considering bail, factors such as the nature of accusations, severity of punishment in the event of conviction, the nature of supporting evidence, and reasonable apprehensions of witness intimidation or threat to the complainant must weigh with the Court. It was clarified that although proof beyond reasonable doubt is not required at this stage, the Court must record prima facie satisfaction regarding the charges, and frivolity of prosecution, if any, should also be assessed. The emphasis laid down by the Supreme Court is that only the genuineness of the prosecution case must guide the exercise of discretion, and where doubt arises as to such genuineness, bail may be considered, otherwise, it must be declined.

15. Applicant has more than 25 previous involvements and is a Bad Character of PS Chandni Mahal. The incident at the hospital where the injured was attacked, establishes a high degree of premeditation, boldness, and disregard for law. Such conduct, if established at trial, strikes at the core of public order and safety.

16. The Court is therefore of the firm opinion that the applicant has failed to make out a case for grant of bail at this stage. The allegations against him are grave and serious in nature. The antecedents of the applicant demonstrate criminal propensity and the threat to witnesses persists. Accordingly, the bail application of the applicant Rehan @ Gaonwala is hereby dismissed.

17. Nothing stated in this order shall tantamount to be an expression on the merits of the case.

18. Copy of this order be sent to Superintendent Jail for information.