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

CNR No. DLHC010007812026

+ **BAIL APPLN. 141/2026**

PANKAJ

.....Applicant

Through: **Ms. Damanjit Kaur, Adv.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Ms. Meenakshi Dahiya, APP for the State with Mr. Aditya Vikram Singh and Mr. Gaurav Singh, Adv.**
Insp. O.P.Mandal, PS Raj Park
Ms.Anushkaa Arora, Standing Counsel (DHCLSC) for brother of the deceased

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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21.08.2026

1. By virtue of the present application under *Section 483* and *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in FIR No.02/2020 dated 02.01.2020 registered at PS.: Raj Park, Delhi under *Section(s) 302/307/323/427/147/148/149/34* of the Indian Penal Code, 1860 (**IPC**) and *Section(s) 25/27/59* of the Arms Act, 1959.

2. As per prosecution, on 01.01.2020 at about 09:00 PM, the complainant Gaurav and his brother Tilak Raj (**deceased**) were present at their chicken shop when an altercation took place between one Himanshu



and co-accused Aniket. After sometime the father of the co-accused Aniket, namely co-accused Rakesh @ Jatti, arrived at the spot along with other co-accused persons, including the present applicant Pankaj, and started beating Himanshu. However, when the complainant and the deceased attempted to intervene, the accused persons also attacked them with knives. The injured persons were taken to the hospital, where Tilak Raj subsequently succumbed to his injuries.

3. In these facts, this Court has heard learned counsel for the applicant and learned APP for the State. This Court has also heard learned counsel for the brother of deceased, who has handed over the written synopsis, which is taken on record. All materials on record have also been perused.

4. No doubt, the allegations against the applicant are serious in nature inasmuch as he is not only named in the FIR, he was with the group who attacked the victim, and a '*danda*' has been recovered from his possession, however, it has also to be considered that the applicant is a *first-time offender*, who, at the time of the alleged incident was only about 22 years old and since his arrest, has remained incarcerated for more than *six years and nine months*. Also, as per the Nominal Roll received, his conduct inside jail has been '*Satisfactory*'.

5. *Additionally*, this Court is told that as of now out of a total of 45 witnesses, only 13 witnesses have been examined till date, as also, that of the last 39 dates before the learned Trial Court, there was nothing effective on as many as 24 dates mostly on account of non-presence of prosecution witnesses. Be that as it may, as apprised by learned counsel for applicant, as of today only two public witnesses remain to be examined, who are not an eye-witness to the incident.



6. In view of the aforesaid factors, as also since the applicant has not misused the liberty granted to him when granted interim bail on two occasions earlier, this Court is inclined to enlarge the applicant on bail.

7. Accordingly, the present application is allowed and the applicant be released on regular bail in proceedings arising out of FIR No.02/2020 dated 02.01.2020 registered at PS.: Raj Park, Delhi under *Section(s) 302/307/323/427/147/148/149/34* of IPC and *Section(s) 25/27/59* of the Arms Act, 1959 subject to him furnishing a personal bond in the sum of *Rs.25,000/- [Rupees Twenty Five Thousand Only]* along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the Trial Court, and further subject to the following conditions:

- i. The applicant shall ordinarily reside at his address as per the Prison Records, and in case of any change in the residential/ permanent address/ contact details/ phone number, the applicant shall inform the same to the IO concerned.
- ii. Applicant shall surrender his Passport, if any, to the IO concerned within three days of his release and shall join and participate in the investigation as and when called by the IO.
- iii. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times.
- v. The applicant shall also appear before the Court as and when the matter is taken up for hearing.
- vi. Applicant shall not indulge in any criminal activity and shall not contact any of the prosecution witnesses, or tamper with the evidence of the case.



8. A copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance *forthwith*.
9. Needless to say, any expression of view(s) on the merits, being purely for the purposes of adjudication of the present application shall have no bearing on the overall proceedings involved.

SAURABH BANERJEE, J

AUGUST 21, 2026/rr