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

CNR No. DLHC010010342026

+ **BAIL APPLN. 171/2026**

RAJNIKANT @ KATRU

.....Petitioner

Through: Mr. Vineet Jain with Mr. Ashish
Mavi, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh K. Chahar, APP along
with Insp. Pankaj Gulliya, PS Nabi
Karim.

Mr. Siddharth Satija with Ms.
Sowjhanya Shankaran and Ms. Charu
Sinha, Advocates for mother of
deceased.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **01.09.2026**

1. The applicant by way of this application seeks for grant of regular bail in connection with FIR No. 90/2023 for offence under Sections 302/34 of the Indian Penal Code, 1860 (IPC) registered at Police Station Nabi Karim, Delhi.

2. Learned counsel appearing for the applicant submits that there are three accused persons, all of whom are in judicial custody. It is submitted that the present applicant is innocent and has been falsely implicated. According to learned counsel, no overt act is attributed to the applicant. It is



further submitted that, in the connected case relating to chain snatching, the applicant has already been granted bail. The applicant has remained in custody since 23.01.2023. It is submitted that there were four purported eye-witnesses to the incident, out of whom three witnesses, namely PW-1 Kunal, PW-2 Vishu and PW-3 Sumit Kumar @ Kalu, have already been examined and have not supported the case of the prosecution. The fourth purported eye-witness is stated to be in judicial custody.

3. Learned counsel further submits that the alleged stab injury is attributed to the co-accused and no specific role in causing the injury is attributed to the present applicant. It is also submitted that nothing has been recovered from the applicant or at his instance and that the investigation is complete and the charge-sheet as well as supplementary charge-sheet have already been filed.

4. The submissions are opposed by Mr. Siddharth Satija, learned counsel appearing for the deceased's family, and Mr. Naresh K. Chahar, learned APP appearing for the State. It is their common submission that the effect of the three witnesses having not supported the prosecution is a matter to be assessed in the course of trial. It is further submitted that the CCTV footage indicates the presence of the applicant and the same is supported by the FSL report. The deceased had sustained a stab injury in the incident and the scooter used in the occurrence was recovered at the instance of the applicant. It is, therefore, submitted that the material on record discloses the applicant's involvement in the alleged offence.

5. I have considered the submissions made by learned counsel appearing for the parties and have perused the record.

6. The facts of the case would indicate that on the intervening night of



27/28.01.2023, the deceased Jatin @ Judi was allegedly stabbed on the left side of his chest near Arakashan Road, Nabi Karim, following an altercation with Saurabh @ Deepak @ Hemant, Amit @ Akshay and Rajnikant @ Katru, the present applicant. The stab injury is attributed to co-accused Saurabh, while the prosecution alleges that the applicant and the other co-accused shared a common intention and assisted in the commission of the offence. Jatin was thereafter taken to the hospital, where he succumbed to the injury.

7. During investigation, statements of the purported eye-witnesses were recorded, CCTV footage was collected and the scooter allegedly used in the offence was recovered at the instance of the applicant, whereafter the chargesheet was filed. During trial, three prosecution witnesses have already been examined and have not supported the prosecution case. Even as per the prosecution, the stab injury is attributed to the co-accused. Though the presence of the applicant is sought to be established through the CCTV footage, the effect and evidentiary value of the material on record would require consideration at the stage of final adjudication. At this stage, no specific overt act of inflicting the stab injury is attributed to the applicant. The veracity of the forensic/documentary evidence shall also be an issue to be considered at the stage of rendering the final judgment.

8. The Supreme Court in ***Dataram Singh v. State of U.P.***,¹ has reiterated that the grant of bail is the rule and refusal is an exception, and that the presumption of innocence continues to operate until guilt is established in accordance with law.

9. The parameters governing the grant of bail have also been succinctly



laid down in **Prasanta Kumar Sarkar v. Ashis Chatterjee**,² wherein the Supreme Court held that while considering an application for bail, the Court is required to balance the nature of the accusation, the severity of punishment, the possibility of the accused fleeing from justice, likelihood of tampering with evidence or influencing witnesses, antecedents of the accused and the overall interests of justice

10. The Supreme Court in **Sanjay Chandra v. CBI**,³ has further observed that the object of bail is to secure the attendance of the accused during trial and that pre-trial detention should not assume a punitive character. These observations were expounded as follows:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.”

11. More recently, in **Satender Kumar Antil v. CBI**,⁴ the Supreme Court has emphasised that prolonged incarceration pending trial, particularly where the trial is not likely to conclude within a reasonable period, has to be viewed in the light of the guarantee of personal liberty under Article 21 of the Constitution.

12. The Supreme Court in **Union of India v. K.A. Najeeb**,⁵ held that an under trial cannot be subjected to indefinite incarceration pending trial and

¹ (2018) 3 SCC 22

² (2010) 14 SCC 496

³ (2012) 1 SCC 40

⁴ (2022) 10 SCC 51

⁵ (2021) 3 SCC 713



that, where it becomes evident that a timely conclusion of the trial is not possible and the accused has already undergone a substantial period of incarceration, constitutional courts would ordinarily be obligated to enlarge the accused on bail, notwithstanding the statutory restrictions governing the grant of bail.

*“15. This Court has clarified in numerous judgments that the liberty guaranteed by Part III of the Constitution would cover within its protective ambit not only due procedure and fairness but also access to justice and a speedy trial. In Supreme Court Legal Aid Committee (Representing Under trial Prisoners) v. Union of India, it was held that under trials cannot indefinitely be detained pending trial. Ideally, no person ought to suffer adverse consequences of his acts unless the same is established before a neutral arbiter. **However, owing to the practicalities of real life where to secure an effective trial and to ameliorate the risk to society in case a potential criminal is left at large pending trial, the courts are tasked with deciding whether an individual ought to be released pending trial or not. Once it is obvious that a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.**”*

[Emphasis supplied]

13. The trial is at the stage of prosecution evidence and only 3 out of total 30 witnesses have been examined, the trial is not likely to conclude in near future. There is no material on record to attribute the delay to the applicant. Applicant has already suffered about three years and six months of incarceration.

14. Bearing in mind the aforesaid facts and circumstances of the case the Court is of the opinion that the applicant is entitled for grant of regular bail. Accordingly, the applicant is directed to be released on regular bail on such terms and conditions as may be imposed by the concerned Trial Court.

15. Nothing stated, hereinabove, shall be construed as an expression on



the merits of the case. The observations made herein are confined solely to the adjudication of the present bail application. The Trial Court shall adjudicate the matter independently and in accordance with law, on the basis of the evidence adduced before it.

16. The application stands disposed of.
17. Pending applications, if any, also stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 1, 2026

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