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

+ **BAIL APPLN. 366/2025**

**ARVIND PASWAN**

.....Petitioner

Through: Mr. Dolly Sharma, Advocate.

versus

**STATE GOVT. OF NCT OF DELHI**

.....Respondent

Through: Mr. Ajay Vikram Singh, APP.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

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**09.07.2026**

1. The present application has been filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) read with Section 528 of the BNSS seeking regular bail in connection with FIR No. 266/2017 for offence punishable under Section 307/397/34 of the Indian Penal Code, 1860 (IPC) registered at PS Amar Colony.
2. Heard learned counsel for the parties.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the criminal proceedings. It is pointed out that the applicant has already suffered sufficient incarceration. He is in custody since 29.11.2017. As per nominal roll 8.5 years' incarceration has already been undergone by the applicant. It is submitted that the applicant did not have any active role in the commission of robbery and murder and there is no direct evidence against the applicant. It is further



submitted that the 3 out of 6 accused persons have already been enlarged on bail. It is further submitted that only 37 out of the 55 witnesses have been examined and there is no possibility of early completion of trial.

4. The submissions are opposed by learned counsel appearing on behalf of the State who contends that 3 accused persons, who have been granted bail, are differently situated. He submits that there is evidence against the applicant. The recovery was made and the same has been identified by the complainant. It submits that the CDR of the applicant clearly reflects his location at the place of incident at the time of commission of the offence. The prosecution witnesses have clearly supported the case of the prosecution.

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

6. Even the order dated 01.06.2024 passed by the Trial Court rejecting the applicant's bail application unequivocally records that there is no direct evidence through eye witness against the accused regarding his involvement in the dacoity/murder. It is on the basis of various other factors i.e. the recovery of jewellery articles and cash at the instance of the applicant, the test identification parade was carried out and the applicant's complicity was found.

7. The Trial Court has also noted that the applicant was declared proclaimed offender (PO), therefore, there is possibility of his being absconding from the prosecution of the trial.

8. It is submitted by learned counsel for the applicant that the applicant did not have any information regarding the FIR in question and, therefore, he was declared PO. It is, however, submitted that he was granted interim



bail on 29.08.2023 and he surrendered timely and has obeyed the terms and conditions thereto.

9. It is found that against the applicant, there is no allegation of commission of murder or robbery. The allegation against the applicant is of assistance to the main accused persons in the commission of the offence in question. It is also seen that only 37 out of the 55 witnesses have been examined and there is no possibility of early conclusion of the trial.

10. Bearing in mind the overall testimony against the petitioner and the fact that the applicant has already undergone about 8.5 years' incarceration, the applicant is directed to be released on regular bail subject to the conditions to be imposed of the Trial Court.

11. With the aforesaid, the application stands disposed of.

**PURUSHAINDR KUMAR KAURAV, J**

**JULY 9, 2026**

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