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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010176232026

+ **BAIL APPLN. 1591/2026**
DEEPAK @ TILLU

.....Petitioner

Through: **Mr. Pushkar Priyadarshi and Mr. Shamsad Alam, Advocates.**

versus

STATE (N.C.T. OF DELHI)

.....Respondent

Through: **Mr. Tarang Srivastava, APP with Mr. Abhay Saini, Advocate with Insp Suneel Siddhu.**

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
20.08.2026

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1. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the petitioner seeks regular bail in connection with FIR No. 711/2020, dated 15.08.2020, under Sections 302/34 of the Indian Penal Code, 1860 ["IPC"], lodged at Police Station Mangol Puri, Delhi.

2. I have heard Mr. Pushkar Priyadarshi, learned counsel for petitioner, and Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State.

3. The prosecution has placed the status report on record, and the prosecution case arising therefrom is as follows:

- a. On 15.08.2020, upon receiving information about Medico-Legal Case ["MLC"] from SGM Hospital, it was found that one Rahul



was declared dead by the Hospital.

- b. At the hospital, one eyewitness, being Johny, was found, and his statement was recorded. He stated that on 15.08.2020, at about 5:00 PM, he and his sister Aanchal, were standing outside their house, when their cousin Simran @ Gungan informed them about their cousin Rahul being involved in a quarrel with two boys in the park near their house. Upon reaching the said spot, he stated that he identified the petitioner and co-accused Ajay @ Appu [hereinafter, "Ajay"]. He further alleged that Ajay was carrying a knife, and during the fight, the petitioner held Rahul, while Ajay stabbed him. When the complainant tried to interfere, he was threatened by Ajay with his knife. He states that both accused thereafter fled from the spot, alongwith a third person, who was standing outside the park on the street.
- c. During the aforesaid quarrel, Ajay also sustained injuries and was admitted to SGM Hospital. His clothes were taken by the doctor, and handed over to the Investigating Officer, who seized them.
- d. The post-mortem of the deceased was conducted on 16.08.2020, and the report revealed multiple antemortem injuries, including a deep stab wound to the left abdomen causing perforation of the intestines and extensive internal bleeding, as well as several stitched incised wounds on the face, neck, thighs and left scapular region, and superficial cut marks on the left shoulder. The doctor opined that the cause of death was haemorrhagic shock resulting from the abdominal injury. Injury to the left abdomen was found sufficient to cause death in the ordinary course of nature and was



caused by a sharp, single-edged weapon.

- e. The doctor handed over sealed viscera, sealed blood stained gauze and sealed clothes of the deceased to the Investigating Officer, which were also seized.
- f. Investigation revealed the third accused to be one Atul @ Gappu [hereinafter, “Atul”].
- g. The petitioner and Atul were arrested on 18.08.2020, and one motorcycle [No. DL8SBC8562] which was used at the time of the crime was recovered from them. Ajay was arrested on 21.08.2020, and a knife was recovered at his instance.
- h. During investigation, statement of witnesses who took Rahul to the Hospital, namely Johny, Aanchal, Simran @ Gungun and Ajay Kumar, were recorded, and the case property was deposited in FSL Rohini.
- i. The forensic examination revealed that blood was detected on most of the exhibits, including the cemented material, chappals, clothing, knife and blood samples of the deceased and accused. Forensic examination has also been conducted.
- j. A chargeheet and supplementary chargesheet has been filed in these proceedings.
- k. During trial, Johny, Aanchal, Simran @ Gungun turned hostile, and have not supported their statements recorded under Section 161 of the Code of Criminal Procedure, 1973 [“CrPC”], whereas Ajay Kumar has supported his statement under Section 161 CrPC, and stated that he shifted Rahul in a rickshaw with the help of others.



1. The petitioner is stated to have 12 other criminal involvements.
4. The Nominal Roll placed on record shows that as on 13.05.2026, the petitioner was in custody for a period of 5 years 8 months and 26 days. Presently, he has thus been in custody for a period of just over 6 years.
5. Mr. Priyadarshi submits that that the entire case is based on circumstantial evidence, and the alleged eyewitnesses, who are relatives of the deceased, have turned hostile and do not support the prosecution case. Mr. Priyadarshi further submits that the petitioner was, in fact, not the person who committed the stabbing, and no recovery has been effected from him. Further, there is no incriminating finding against him in the FSL report. He further submits that the petitioner is entitled to the benefit of parity with co-accused Atul, who has already been granted bail by the Sessions Court. Mr. Priyadarshi also urges the ground of prolonged incarceration. He submits that the petitioner has remained in custody for over 6 years and the trial is still at the stage of prosecution evidence. As only 12 out of 36 witnesses have yet been examined, the trial is unlikely to conclude in the near future.
6. Mr. Srivastava, on the other hand, submits that the offence alleged is grave and heinous in nature. He submits that the petitioner cannot claim the benefit of parity with Atul, as his role is materially different; the petitioner is alleged to have restrained the deceased by holding him, while the co-accused stabbed him, whereas Atul was not actively involved in the incident of stabbing. He further submits that the petitioner has multiple criminal involvements.
7. In rejoinder, with regard to the petitioner's other criminal



involvements, Mr. Priyadarshi submits that only two other cases remain pending, while in the other cases the petitioner has either been acquitted or the matters have been compounded or settled before the Lok Adalat.

8. Having heard learned counsel for the parties, and considered the totality of facts and circumstances of the case, I am of the view that grant of regular bail is not appropriate.

9. Although Mr. Priyadarshi is right in pointing out that the petitioner has been incarcerated for a substantial period, and that the eyewitnesses have turned hostile, the effect of witness testimony and weight and insufficiency of the other evidence placed before the Court is a matter for trial. Although the petitioner is not accused of having inflicted the stab injury upon the deceased, he is alleged to have held him down, while the co-accused committed the act.

10. The petitioners' previous criminal history of involvement in serious cases also requires consideration. In the status report filed by the prosecution, the following criminal involvements have been noted, as far as the petitioner is concerned:

CRIMINAL INVOLVEMENTS OF DEEPAK:

Sr. No.	Police Station	FIR No.	Act/Section	Case Status
1	MANGOL PURI	810/2018	308/324/34/341 IPC	Prosecution Evidence
2	SULTAN PURI	316/2019	356/379/34 IPC	Uncontested- Undergone
3	MANGOL PURI	702/2019	379 IPC	Disposed- Acquitted
4	SULTAN PURI	16544/2019	379/411 IPC	Uncontested-



				Compounded
5	MANGOL PURI	185/2020	25/54/59 ARM ACT	Disposed- Acquitted
6	MANGOL PURI	711/2020	302/34 IPC	Prosecution Evidence
7	HARI NAGAR	407/2021	120B/323/34/ 377/506 IPC	
8	MANGOL PURI	174/2020	379/411 IPC	Uncontested – Settled in Lok Adalat
9	JANAK PURI	230/2019	NIL	
10	JANAK PURI	232/2019	411/358/379 IPC	
11	KESHAV PURAM	18035/2019	379/411/34IPC	
12	ROHINI NORTH	525/2019	NIL	

11. It is evident from the above that the petitioner had 11 other criminal cases against him, in which he has been acquitted in two, and three were uncontested, either on the basis of sentence undergone or by compounding/settlement. According to the status report, the other cases are all being tried. The offences include theft, causing hurt, grievous hurt, receiving stolen property, murder, attempt to commit culpable homicide and using arms etc., which are undoubtedly serious offences. The petitioner has also been awarded several punishment tickets in the course of incarceration, as evidenced by the nominal roll. These include punishment for holding weapons such as blades, knives, etc.



12. The relevance of prior criminal involvements for grant of bail has been reiterated in the judgment of the Supreme Court in *Rajni v. State* [2026 SCC OnLine SC 1050], wherein it was observed as follows:

“11. The High Court fell into error by allowing bail petitions primarily on the ground of the period of custody undergone and slow progress of trial, without meaningfully engaging with the gravity of the alleged offence, the specific and serious roles attributed to Respondent Nos. 2, 3 and 5.

12. While the period of incarceration and delay in trial are undoubtedly relevant considerations, they cannot serve as the sole or determinative basis for the grant of bail in a case involving the alleged killing of a person by an armed mob. **Criminal antecedents are not merely a matter of record, but bear directly on whether an accused is likely to abide by bail conditions, refrain from repeating offences, or desist from intimidating witnesses. Where an accused carries multiple antecedents for offences as grave as those under Sections 302 and 307 the IPC, such antecedents must weigh heavily against the grant of bail.** The fact that this material was placed before the High Court yet received no consideration in the impugned order is a serious infirmity. The High Court's failure to individualize its reasoning and to weigh these disentitling factors renders the impugned order unsustainable insofar as it pertains to Respondent Nos. 2, 3 and 5.”

[Emphasis supplied.]

13. Although the Supreme Court has made it clear in *Prabhakar Tewari v. State of U.P.* [(2020) 11 SCC 648], that bail need not always be withheld on account of prior criminal involvements, this is necessarily a fact intensive exercise. In the present case, the number and nature of the petitioner's prior involvements, coupled with the seriousness of the present offence and the role attributed to the petitioner, lead me to the conclusion that grant of bail is unjustified.

14. The petitioner's plea of parity with co-accused Atul, who was granted bail by the Sessions court on 01.08.2023, also does not commend to me. In Atul's case, the Court specifically recorded that the allegations of committing the murder were against co-accused, and the allegations



against him were of common intention, specifically that he was standing outside the place of the incident on a bike, and looking out for anyone entering the park. In contrast, the allegations against the present petitioner are of direct participation, by holding down the deceased.

15. Nonetheless, I remain conscious of the long period of custody undergone by the petitioner. In view thereof, the appropriate course in the present case is to request the Sessions Court to conclude the trial with utmost expedition, as practicable. Mr. Srivastava also assures the Court that the prosecution will cooperate in this endeavour.

16. For the aforesaid reasons, the bail application is dismissed with the aforesaid observations.

17. It is made clear that this Court has made no comment on the merits of the matter, and all rights and contentions of the petitioner are left open in accordance with law before the Trial Court.

PRATEEK JALAN, J

AUGUST 20, 2026

B/AD/