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

CNR No. DLHC010199982026

+ **BAIL APPLN. 1792/2026**

MANISH PANCHAL @ DOZI

.....Petitioner

Through: Mr. MukeshKalia, Ms. KanikaVohra,
Mr. Sanjeev Kumar, Mr. Rohit
Dahiya & Ms.Isha Mittal, Advs.

versus

THE STATE (NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
State.
Insp. Raj Kumar Malik, Security,
Delhi Police.
Insp. Manish Kumar PS Narela
Mr.SanjeevChhikara, Adv. for
objector with objector in person.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **24.08.2026**

1. The present petition has been filed under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('**BNSS**') seeking regular bail in respect of FIR No. 644/2024, for the offences punishable under Sections 103(1)/61(2)/238/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('**BNS**') and under Sections 25 and 27 of the Arms Act, 1959 ('**Arms Act**') registered at police station Narela, Delhi.



2. There are two Sunil in the present case, one is the deceased, namely, Sunil @ Monu (s/o of Mr.Dharmbir Singh) and the other is the co-accused in the present petition, namely, Sunil Dahiya. Therefore, for the sake of clarity, as and when their names are appearing, the deceased Sunil @ Monu shall be read as Monu and the co-accused as Sunil Dahiya.

3. Learned counsel appearing for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case. The applicant has been in judicial custody since 06.10.2024. As per nominal roll as on 22.06.2026, he has suffered 1 year 8 months 17 days incarceration. As of now, he has undergone 1 year 10 months incarceration. Co-accused Sunil Dahiya has been granted bail by a coordinate Bench of this Court *vide* order dated 11.07.2025 in BAIL APPLN. 1451/2025. The investigation is complete and the chargesheet has been filed. The deceased family/party came to the house of the Sunil Dahiya and they started banging on the door. The present applicant along with Naveen Khatri came to pacify the deceased party. During the said altercation, co-accused Naveen Khatri has allegedly caused gunshot injury to the deceased which is resulted in his death. It is submitted that the earlier allegations against the applicant of air fire, the alleged fire has not caused any injury to the deceased.

4. These contentions are strongly opposed Mr. Naresh Kumar Chahar, learned counsel appearing for the respondent-State who contends that the applicant has also actively participated. His role is not lesser than Naveen Khatri. Furthermore, the prosecution witnesses including star witness have not yet been examined. The applicant's role is established on the basis of CCTV footage. Mr. Chahar also submits that there is a recovery of weapon i.e. pistol. The ballistic report supports the prosecution case.



5. Mr. Sanjeev Chhikara, learned counsel appearing for the objector has also opposed the submissions made by learned counsel for the applicant. He submits that it is not only the applicant who was firing in the air but the applicant has also hit the deceased by the bud of the pistol on his head. He submits that there were the injuries sustained by the deceased on his head which have been described to be caused by blunt objects. He further submits that the allegations are serious and eye-witnesses of the incident have not been examined, therefore, the applicant does not grant any regular bail.

6. In response to the submissions made by learned counsels for the respondents, Mr. Mukesh Kalia, learned counsel for the applicant submits that most of the witnesses are from Haryana. The deceased had a criminal history. According to him, there were four cases against him and two of those cases were of under Section 302 of the IPC. The details of the cases are list below:

S. NO.	FIR NO.	UNDER SECTION	POLICE STATION
1.	223/2009	148/ 149/ 302/ 364 IPC R/W: 25(54) 59 ARMS ACT	Sonipat Sadar, Haryana
2.	156/2010	148/ 149/ 302/ 307/ 120B IPC R/W: 25 ARMS ACT	n.a.
3.	91/2020	363/ 366A IPC	Sonipat Sadar, Haryana
4.	52/2020	186/ 285/ 332/ 353/ 506/ 34 IPC	Sonipat Sadar, Haryana

7. This Court has considered the submissions made by learned counsel for the parties and also perused the record.



8. The parameters governing the grant of regular bail in non-bailable offences are well settled. In **Prasanta Kumar Sarkar v. Ashis Chatterjee**¹, the Supreme Court held as follows:

“9. ...It is well settled that, among other circumstances, the factors to be borne in mind while considering 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 accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail...”

9. The object underlying the grant of bail was authoritatively explained by the Supreme Court in **Sanjay Chandra v. Central Bureau of Investigation**², in the following terms:

“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 can be required to ensure that an accused person will stand his trial when called upon.”

10. The Supreme Court has consistently reiterated that bail is the rule and jail the exception. In **Dataram Singh v. State of U.P.**³, it was observed that the grant of bail must be exercised in a judicious and compassionate manner, having regard to the presumption of innocence that attaches to every accused until guilt is established in accordance with law

11. The duration of incarceration and the likely progress of the trial are also material considerations at the stage of bail, and cannot be treated as subordinate merely because the offence alleged is a grave one. In **State of Kerala v. Raneef**⁴, the Supreme Court held:

¹ (2010) 14 SCC 496

² (2012) 1 SCC 40

³ (2018) 3 SCC 22

⁴ (2011) 1 SCC 784



“15. In deciding bail applications an important factor which should certainly be taken into consideration by the court is the delay in concluding the trial. Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody?”

12. The prosecution alleges that the members of the deceased family on the intervening night of 29/30.09.2024 formed an unlawful assembly reached co-accused Sunil Dahiya's house and thereupon firing had taken place in which deceased Monu was shot and later at the hospital declared 'brought dead'. The applicant was called by Sunil Dahiya co-accused who came along with Naveen Khatri co-accused to his house on motorcycle. As per the prosecution case itself, the fatal gunshot injury was caused by Naveen Khatri and the allegations against the present applicant was of open fire in the air. Sunil Dahiya who was inside the house and did not come out has been granted bail though the allegations against Sunil Dahiya and the present applicant are altogether different.

13. The CCTV footage has been seen. The Court *prima facie* finds that the applicant who was trying to prevent Sunil Dahiya and was stopping the deceased from forcefully entering into Sunil Dahiya's house. There does not seem to be any injury caused by the present applicant. In any case, the case against the present applicant eventuality will have to be established on the basis of overall documentary and oral evidence which the prosecution will produce during the course of trial before the Trial Court.

14. The applicant has also suffered more than one year ten months incarceration. There is no criminal record against the applicant.



15. Bearing in mind the overall facts and circumstances of the case, the applicant is directed to be enlarged on regular bail subject to the conditions as may be imposed by the Trial Court.
16. In case any interference is made to the prosecution witnesses, the learned counsel for the objector is at liberty to apply for cancellation of bail.
17. The application stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 24, 2026

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