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

CNR No. DLHC010295322026

+ **BAIL APPLN. 2622/2026**

MANGAL @LALA

.....Petitioner

Through: Mr. Vinay Kumar Pathak, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Ms. Shubhi Gupta, APP for State.
Insp. Jag Mohan, Insp. Rajesh Kumar,
PS Sarai Rohilla.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **20.08.2026**

1. The applicant, by way of this application, seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita ('**BNSS**') in connection with FIR no. 149/2017 for offences under Sections 393/398/302/34 of the Indian Penal Code, 1860 ('**IPC**') registered at PS Sarai Rohilla, Delhi.

2. The facts of the prosecution are that on 27.04.2017, a PCR call was received at PS Sarai Rohilla, Delhi, informing that a person was shot by two unknown persons. In this regard, an FIR No. 149/2017 was registered at Police Station Sarai Rohilla under Sections 393/398/302/34 IPC. The complainant Om Prakash, along with his companions Dalip and the



deceased Amar Chand, was returning towards East Moti Bagh. Three persons identified as co-accused Kishan @ Handa, applicant Mangal @ Lala, and a Child in Conflict with Law (CCL) traced them with an intent to commit robbery. While the CCL was waiting nearby on a scooty, applicant Mangal @ Lala allegedly attempted to snatch the bag carried by Amar Chand. In the said incident, when Amar Chand resisted and threw the bag towards his companion, co-accused Kishan @ Handa fired a fatal gunshot, hitting Amar Chand on his chest. Thereafter, all three assailants fled from the spot on the scooty along with the looted bag. The injured Amar Chand was then rushed to the Hospital, where he succumbed to his injuries during treatment. The applicant Mangal @ Lala was subsequently arrested on 13.05.2017 following the disclosure statement of co-accused Kishan @ Handa, and subsequently the looted bag was also recovered from him.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated. That as on 19.08.2026, the applicant has suffered almost 9 years, 3 months, and 5 days in Judicial Custody following the arrest on 13.05.2017. Therefore, on the ground of long incarceration, the applicant is entitled to the grant of regular bail. He further submits that there is no allegation of shooting or recovery of arms from the applicant. There are three accused persons. One is the Child in Conflict with the Law ('CCL') and the remaining two persons are in jail. The allegations are mainly against the co-accused person, namely Kishan @ Handa.

4. Per contra, the counsel for the respondent opposed the said submissions. The counsel submits that there were previous involvements of the applicant in four other cases, and out of those four cases, he has been acquitted in FIR Nos. 285/2015 and 113/2016, registered under the Delhi



Excise Act, 2009 and the Arms Act, 1959. The third case was under the Gambling Act, 2005 i.e. FIR No. 97/2006 which has been consigned to record in 2010, and the remaining one case i.e. FIR No. 362/2015 registered under Section 147/148/149/186/153A/353/42/7/34 of the Indian Penal Code, 1860 ('IPC') registered at Police Station Civil Line is pending with the Investigating Officer. It is further submitted that the robbed bag was recovered at the instance of the applicant. The counsel submits that the applicant was identified in the Test Identification Parade (TIP).

5. This Court has considered the submission of the learned counsel for the parties and perused the record.

6. The Court, however, finds that the applicant is not the main accused person and the veracity of the evidence which has been collected and adduced by the prosecution will have to be eventually examined by the Trial Court at the time of rendering the final judgment.

7. 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. The relevant para is as under-

1.A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being

¹(2018) 3 SCC 22



incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

8. 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. The relevant para is as under-

9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (1) 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;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.*

[See State of U.P. v. Amarmani Tripathi (SCC p. 31, para 18), Prahlad Singh Bhati v. NCT of Delhi, and Ram Govind Upadhyay v. Sudarshan Singh.]

9. The Supreme Court in ***Sanjay Chandra v. CBI*** 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

²(2010) 14 SCC 496



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.”

10. The Supreme Court in ***Union of India v. K. A. Najeeb***³ highlighting the similar principle held-

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 Undertrial Prisoners) v. Union of India, it was held that undertrials 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

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. In view of the aforesaid, the Court is of the considered opinion that the application is found to be entitled to the grant of regular bail on overall assessment of the allegations attributed to him as well as the long

³ (2021) 3 SCC 713

⁴ (2022) 10 SCC 51



incarceration of 9 years 3 months and 5 days.

13. Therefore, it is directed that he be released on regular bail on such conditions as may be imposed by the concerned trial Court.

14. Application stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 20, 2026

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