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

\# **CNR No. DLHC010238222026**

\+ BAIL APPLN. 2033/2026, CRL.M.A. 16780/2026 & CRL.M.A. 16781/2026

PRAVINDER @ PUMMY .....Petitioner

Through: None.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Naresh Kumar Chahar, APP for the State.
Insp. Parmod Kumar, PS: Begumpur.
Insp Jaiveer.

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\# **CNR No. DLHC010342342026**

\+ BAIL APPLN. 3015/2026 & CRL.M.A. 22912/2026

GAURAV .....Petitioner

Through: Mr. Ravi Drall, Ms. Aditi Singh and Ms. Sneha Sharma, Advs.

versus

THE STATE OF NCT DELHI .....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
Insp. Parmod Kumar, PS: Begumpur.
Insp Jaiveer.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 01.09.2026

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1. By way of these applications, the applicants seek regular bail in connection with FIR No.258/2022 for offence under Sections 302 of the Indian Penal Code, 1860 [IPC] and Section 27 of the Arms Act, 1959 registered at PS Begumpur, Rohini, Delhi.

2. The application filed by Gaurav [applicant in Bail Appln. 3015/2026] was earlier rejected on merits by this Court *vide* order dated 28.11.2025 in Bail Appln. 4134/2025. Learned counsel for the applicant submits that, subsequent to the said rejection, co-accused Saurabh Chaudhary has been granted regular bail by this Court *vide* order dated 10.07.2026 in Bail Appln. 1004/2026.

3. Besides the aforesaid submission, learned counsel for the applicants submits that the trial has not progressed at the desired pace. It is submitted that, during the last about nine months, only one witness has been examined and, out of a total of 40 witnesses, only 09 witnesses have been examined so far. It is further submitted that the trial is likely to take considerable time for its conclusion and that the continued incarceration of the applicants is unwarranted. Both the applicants have already undergone more than four and a half years of incarceration. It is also submitted that three co-accused, namely, Prashant, Vishnu and Saurabh, have been enlarged on bail by this Court and trial Court. According to learned counsel, the case of the present applicants stands on a better footing.

4. The submissions are opposed by Mr. Naresh Kumar Chahar and Ms. Shubhi Gupta, learned APPs for the State in the respective matters. Insofar as applicant Gaurav is concerned, learned APP submits that, as per the prosecution case, he had an active role in the alleged conspiracy, including procurement and supply of firearms and communication with the co-accused

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regarding the movement of the deceased. It is further submitted that the case of Gaurav was earlier considered on merits and his bail application was rejected by this Court *vide* order dated 28.11.2025 in Bail Appln. 4134/2025.

5. Insofar as applicant Parvinder @ Pummy is concerned, learned APP submits that, as per the prosecution case, Gaurav had approached him for execution of the alleged murder, pursuant to which he allegedly involved other co-accused persons in the plan. It is further submitted that Parvinder was allegedly present with the other co-accused at the hotel prior to the incident and thereafter proceeded with them towards the place of occurrence. The prosecution also relies upon the alleged monetary transaction of Rs.50,000/- between Gaurav and Parvinder and the CDR evidence showing communication between them.

6. The deceased's family has been served as stated by the Investigating Officer, however, no one has appeared.

7. I have heard the counsels for parties and perused the record.

8. The facts of the case would indicate that on 21.02.2022, the deceased Pardeep Kumar was found dead with firearm injuries near Sector-24, Rohini. It is alleged that Gaurav Teotia was residing as a tenant in the house of the deceased and was in an illicit relationship with the deceased's wife, Seema, who is also an accused. The prosecution alleges that Gaurav and Seema conspired to eliminate the deceased with the object of facilitating their relationship and acquiring his property. Gaurav allegedly offered approximately Rs. 4 lakhs to Parvinder @ Pummy for arranging the murder, and also allegedly procured and supplied firearms and ammunition to the assailants. It is further alleged that after the deceased left his house, his movement was conveyed to the assailants, who followed him on two

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motorcycles and fired upon him. Parvinder @ Pummy is alleged to have participated in the execution of the plan and travelled with the assailants, while Prashant, Rinku and Saurabh are alleged to have fired upon the deceased. The allegations against the present applicants are thus of conspiracy and active participation in the alleged offence.

9. It is well settled by Supreme Court in ***Kalyan Chandra Sarkar v. Rajesh Ranjan***,[1] that while successive bail applications are maintainable, the Court is required to consider the reasons on which the earlier application was disposed of and to examine whether any subsequent circumstances justify taking a different view.

10. In the bail application of applicant Gaurav, subsequent to the rejection of his earlier bail application, material developments have taken place. During the *interregnum*, co-accused Saurabh Chaudhary has been enlarged on regular bail by this Court. Further, although the trial is underway, its progress has been slow; in the past about nine months, only one witness has been examined, and only 09 out of 40 prosecution witnesses have been examined till date. These subsequent developments, which were not available for consideration at the time of rejection of the earlier bail application, constitute fresh circumstances warranting an independent consideration of the present application on its own merits.

11. It is trite that the object of bail is not to inflict punishment by way of pre-trial detention. In ***Dataram Singh v. State of U.P.***,[2] the Supreme Court reiterated that the presumption of innocence remains in favour of the accused and that bail is the rule, while in ***Prasanta Kumar Sarkar v. Ashis***

[1] (2004) 7 SCC 528
[2] (2018) 3 SCC 22

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Chatterjee,[3] the Court delineated the relevant considerations which must guide the exercise of discretion in matters of bail. The same principle was reiterated in ***Sanjay Chandra v. CBI***,[4] wherein the Supreme Court emphasised that incarceration before conviction ought not to be punitive in character.

12. More recently, in ***Satender Kumar Antil v. CBI***,[5] 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.

13. The Supreme Court in ***Union of India v. K.A. Najeeb***,[6] held that an under trial cannot be subjected to indefinite incarceration pending trial and 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.* ***<u>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.</u>***

[3] (2010) 14 SCC 496
[4] (2012) 1 SCC 40
[5] (2022) 10 SCC 51
[6] (2021) 3 SCC 713

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> ***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]

14. As aptly observed by division Bench of this Court in ***Mohd. Hakim v. State (NCT of Delhi)***[7], the Court must play the role of a "*doctor*" rather than a "*coroner*", by protecting the right to a speedy trial before it is rendered illusory by prolonged incarceration, instead of recognising its violation after the constitutional injury has become irreversible.

15. Although the applicants may not be similarly situated with the co-accused who have been enlarged on bail, parity need not be determinative in the present case. Without commenting on the merits of the allegations, it is undisputed that the applicants have undergone incarceration for about four years and five months. The applicants have no criminal antecedents, and their continued incarceration has to be balanced against their fundamental right to life and personal liberty under Article 21 of the Constitution of India.

16. The trial is at the stage of prosecution evidence, with only 09 out of 40 prosecution witnesses examined so far. Further, only one witness has been examined during the past about nine months, and there is no material to indicate that the delay is attributable to the applicants. In these circumstances, having regard to the period of incarceration already undergone and the stage of trial, this Court is of the view that the applicants are entitled to be enlarged on regular bail.

17. Accordingly, the applicants are directed to be released on regular bail

[7] 2021 SCC OnLine Del 4623

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on such terms and conditions as may be imposed by the concerned Trial Court.

18. 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.

19. The applications stands disposed of.

20. Pending applications, if any, stands disposed off.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 1, 2026/P

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