



\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010367702026
+ **BAIL APPLN. 3249/2026 & CRL.M.A. 24351/2026**
LALIT Petitioner

Through: Mr. Parveen Dabas, Mr. Jwala Singh,
Mr. Abhigyan Dahiya, Mr. Vinayak
Tripathi and Mr. Deepak, Advocates

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent
Through: Mr. Sunil Kumar Gautam, APP for
State
Mr. Vivek Bhardwaj, Advocate for
complainant (Through VC)

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
01.09.2026

%

1. Applicant seeks regular bail in case FIR No. 0480/2017, registered at Police Station Bhajan Pura for commission of offence under Section 363 IPC. Later on, when the charge-sheet was filed, offences under Sections 302/364 IPC were also added.
2. As per case of prosecution, applicant had kidnapped his brother-in-law (brother of his estranged wife) and murdered him by strangulating him. There is no eyewitness of the alleged incident and the entire case is dependent upon circumstantial evidence, including *last seen*.
3. Applicant was arrested way back on 16.08.2017 and is in incarceration since then, barring period of around four weeks when he was enlarged on

BAIL APPLN. 3249/2026

1



interim bail in the year 2020.

4. His Nominal Roll has been requisitioned from the Jail which indicates his custody period almost touching 09 years as it is of 08 years, 11 months and 26 days as on 23.08.2026.

5. Learned counsel for applicant submits that despite there being direction passed by this Court on earlier occasion, trial is yet not over. He submits that out of 50 cited witnesses, prosecution has, so far, examined 31 witnesses and there is no prospect of trial getting completed in near future. He submits that all the material public witnesses have already been examined and, therefore, keeping in mind the aforesaid long incarceration period of the applicant and his medical condition, it is a fit case where he should be released on bail.

6. Learned counsel for applicant submits that such unduly long incarceration period has frustrated his invaluable rights to have a speedy trial as enshrined under Article 21 of the Constitution of India. He also submits that applicant would abide by any condition to be imposed upon him in this regard.

7. Bail application has been opposed by learned Addl. P.P. for State as well as by learned counsel for the complainant. It is highlighted by them that on one earlier occasion, when the applicant was enlarged on interim bail, he misused the concession as during such period of interim bail, he had shown the audacity of threatening the complainant for which a separate criminal case was registered against him.

8. Aforesaid case was registered in the year 2020 and as per Nominal Roll, applicant is already on bail in the aforesaid case.

9. Learned counsel for applicant makes reference to order dated 17.04.2025 passed by this Court in Bail Application No. 4224/2024, whereby



keeping in mind the totality of the facts and circumstances of the case and the evidence brought on record, this Court had, though, declined to grant bail to the applicant but at the same time, learned Trial Court was also requested to make all possible endeavour to examine remaining witnesses at the earliest and to dispose of the case, expeditiously.

10. At the time of consideration of the aforesaid bail application on 17.04.2025, 26 witnesses had been examined. Quite clearly, in the interregnum, during more than last one year and four months, the prosecution has been able to examine only 05 more witnesses which clearly indicates that there is no real prospect of trial getting concluded in near future.

11. In *Sunil Bihari Alias Shakti Singh v. The State (NCT of Delhi)*: 2025:DHC:11035, the accused was facing murder charges and was granted bail by Coordinate Bench of this Court vide its judgment dated 08.12.2025 on account of prolonged incarceration, while observing as under:-

“23. Once the applicant undisputedly is in continuous incarceration since 08.06.2018 and once it is clear that the trial is not likely to be concluded in near future, the applicant cannot be denied benefit of bail on the sole criteria of his implication in previous FIRs and the fact that the accused was once declared proclaimed offender.

24. The Hon’ble Apex Court in the case of Union of India v. K.A. Najeeb: AIR 2021 SC 712 held that 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.

25. The investigation in the present case already stands concluded with the filing of chargesheet followed by framing of charges and the material witnesses have already been examined by the learned Trial Court.



26. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.”

12. Reference be also made to *Deepak Tiwari vs. State (NCT of Delhi)*: 2024 SCC OnLine Del 7810, *Praveen Rathore v. State of Rajasthan*: 2023 SCC OnLine SC 1268, order dated 29.04.2026 in SLP (Crl.) 7416/2026 titled *Vaibhav Singh v. State of Uttar Pradesh* and order dated 24.02.2026 in BAIL APPLN.3794/2024 titled *Saif Ali @ Saif Khan vs. State Govt. of NCT of Delhi*.

13. Keeping in mind the overall facts and circumstances of the case and in particular the long incarceration period of the applicant which is of around 09 years, *albeit*, without expressing any opinion over the merits of the case, applicant is admitted to bail on his furnishing personal bond and surety bond in a sum of Rs. 50,000/- each subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Judicial Magistrate First Class subject to the following conditions:-

- (a) *Surety would be local.*
- (b) *Applicant shall appear before the learned Trial Court regularly on date(s) fixed.*
- (c) *Applicant/accused shall not come in contact of complainant side in any manner whatsoever, directly or indirectly, except where he has to come to Court in order to defend the cases filed against him which include case registered for commission of offences under Sections 498-A/406/34 IPC and the other case pertaining to FIR No. 395/2020 Police Station Bhajan Pura.*
- (d) *The applicant/accused shall not leave NCR of Delhi, without permission of learned Trial Court.*



(e) The applicant/accused shall provide his mobile number to the investigating officer and shall keep the same operational all the time, till the disposal of the case.

14. The application stands disposed of in aforesaid terms.
15. Other pending application also stands disposed of.
16. A copy of this order be sent to the concerned Court and also to the Jail Superintendent for necessary information and compliance.

MANOJ JAIN, J

SEPTEMBER 1, 2026/dr/sy