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

+ BAIL APPLN. 4637/2025

SHAHJAMAN @ SAJU

.....Petitioner

Through: Mr. D. Pattnaik, Advocate
(Through VC).

versus

STATE GNCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

14.07.2026

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1. Applicant seeks regular bail in case FIR No. 960/2017 dated 29.10.2017 registered at police station Samaipur Badli for offence under section 302 IPC.
2. The alleged incident is of 28.10.2017 when one Anil Singh, while driving a *Champion* vehicle, reached at Nangli-Puna flyover and offloaded the goods. Two boys came there and caught hold of him. He was shown a knife and was asked to hand-over whatever he was carrying. One of them also caught hold of owner of the goods and robbed him and, while committing such robbery, a knife-blow was given on the chest of such owner, which eventually proved to be fatal.
3. Both the alleged robbers were arrested. One of them was found to be juvenile.
4. The applicant herein is the other robber who continues to be in jail.
5. Status report and Nominal Roll are already on record.
6. The Nominal Roll indicates that the applicant is behind the bars since 09.11.2017 and his incarceration period is of around 8 ½ years.
7. Learned counsel for the applicant submits that at the time of the alleged arrest, the applicant was hardly 19 years of age.
8. Learned Addl. P.P. for State, on instructions from IO, submits that there

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are 38 prosecution witnesses, out of which 29 witnesses have already been examined.

9. Admittedly, though, the alleged eyewitness has already been examined and, broadly speaking, supported the case of prosecution, this Court cannot be oblivious of the fact that incarceration period is already, substantially, high.

10. This Court, therefore, in order to uphold the objective enshrined under Article 21 of the Constitution of India, in its true letter and spirit, finds no reason to disallow the bail.

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, *albeit*, without expressing any opinion over the merits of the case, applicant is hereby admitted to bail on his furnishing personal bond in a sum of Rs. 25,000/- with one surety of like amount, subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Judicial Magistrate First Class with 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 any witness, directly or indirectly.*
- (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. 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

JULY 14, 2026/NR/PB

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