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

CNR No. DLHC011056912025

+ **BAIL APPLN. 4998/2025 and CRL.M.A. 38447/2025**

AJAY KUMAR

.....Petitioner

Through: Mr.B.P. Sharma, Mr. Ashish Gill, Ms.
Samsun Nihar, Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for State wit
SI Anil, PS GTB Enclave.
Mr. Manmohan Singh,

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **20.08.2026**

1. The instant application has been filed on behalf of the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 Cr.P.C.) seeking regular bail in connection with FIR No.399/2022 registered at PS G.T.B Enclave *qua* offence punishable under Section 307 of the Indian Penal Code, 1860 ('**IPC**').

2. The facts of the case would indicate that on 12.09.2022 at about 10.00 AM, the present applicant allegedly met the victim near Gate No.7, GTB Hospital. Thereafter, a quarrel took place between them and during the quarrel, he attacked the victim with a sharp object on her throat, wrist and head and thereafter, fled away from the spot. Thereafter, the victim was



taken to the hospital where she allegedly collapsed and was taken for medical treatment. The FIR was registered, the police carried out the investigation and collected the material and thereafter, the charge sheet was filed.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the instant case. He submits there was enmity between the applicant and the victim, and in order to take revenge a false case has been registered against the applicant. It is stated that the applicant has already suffered 3 years and 10 months incarceration. He also submits that only 4 witnesses have been examined out of 23 witnesses, thus the trial will take sufficient time before its completion. There are no other criminal antecedents against the applicant.

4. Submissions made on behalf of the applicant are vehemently opposed by learned APP for the State as well as by learned counsel for the victim. They contend that there is sufficient evidence against the applicant. The knife was recovered at the instance of the applicant. It is submitted that the applicant was seen with victim before the incident and a knife, blood strained clothes and shoes were subsequently recovered. Additionally, CCTV footage would clearly establish the applicant's guilt.

5. I have considered the submissions made by learned counsel for the parties and also perused the record.

6. This matter was earlier called out on 30.07.2026 and cross-examination of the complainant was underway. Therefore, the hearing was deferred awaiting the completion of the cross-examination of the complainant. The parties submit that the victim has been fully cross-examined, and therefore, stands discharged.



7. This Court has perused the MLC and finds that the injuries are on the throat, wrist and head, and have been described to be grievous, however, whether they were life threatening, is not discernible.

8. 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.

9. 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

10. The Supreme Court in ***Union of India v. K.A. Najeeb***,³ 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

¹ (2018) 3 SCC 22.

² (2010) 14 SCC 496.

³ (2021) 3 SCC 713.



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. **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 bail.**

[Emphasis supplied]

11. The applicant has already undergone 3 years and 10 months of incarceration. The trial is at the stage of prosecution evidence and only 4 out of total 23 witnesses have been examined. There is no material on record to attribute the delay to the present applicant. The applicant has depicted satisfactory conduct during his incarceration. Even otherwise, it is stated that the victim was not appearing before the trial Court despite various notices for her examination. Additionally, the perusal of the evidence of the victim *prima facie* indicates inconsistencies. However, this Court, restrains from rendering any conclusive findings regarding inconsistencies. These inconsistencies will have to be judged on the basis of the explanation, which the prosecution would offer at the time of rendering final judgment.

12. Without commenting on the merits of the allegation, it is an undisputed fact that the applicant has already suffered long incarceration, and his continued incarceration will result in the denial of his fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India.

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. The application stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 20, 2026

Nc/AD