



\$~2

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

+ **BAIL APPLN. 1460/2024**

SANDEEP KUMAR ALIAS MANOJ

.....Petitioner

Through: **Mr. Sunil Upadhyay, Adv.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Aashneet Singh, APP**

Inspector Rizwan, PS Karawal Nagar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

19.12.2024

%

1. This is a petition filed under Section 439 of Cr.PC seeking regular bail in F.I.R. No. 682/2015 under Sections 452/307/34 IPC registered at Police Station Karawal Nagar. As the victim subsequently passed away, chargesheet has been filed under Section 452, 302, 120B and 34 of IPC.
2. As per the FIR, the petitioner repeatedly hit the victim with a helmet and the co-accused stabbed the victim on his right leg with a knife. Thereafter, the victim succumbed to his injuries and more particularly due to knife injuries, in the hospital.
3. It is stated that the petitioner is in custody since 30.09.2016.
4. In the present case, the Nominal Roll of the petitioner has been handed over and as per the Nominal Roll, the criminal antecedents of the petitioner needs to be looked into.



09.	DETAILS OF OTHER CONVICTED CASE (IF ANY)			JUDICIAL CUSTODY		STATUS
	FIR NO.	U/S	P.S	FROM	TO	
	507/2008	302/307/324/34 IPC	ANAND VIHAR	---	---	CONVICTED-HE IS PRESENTLY IS SERVING SENTENCE RI FOR LIFE & FINE RS. 2500/- I/D 05 MONTH 15 DAYS SI
	361/2016	394/397 IPC & 25/27 A.ACT	SHAH DARA, DELHI	02.10.2016	01.10.2023	CONVICTED-SENTENCE RI FOR 07 YEARS (SENTENCE COMPLETED) & FINE PAID
	890/2006	379/411/420/471 IPC	GOKAL PURI, DELHI	18.03.2009	15.01.2011	CONVICTED-SENTENCE A.U.G. ON 15.01.2011
	53/2008	457/380/411/34 IPC	M.S. PARK	06.11.2009	29.11.2010	CONVICTED-SENTENCE A.U.G. ON 29.11.2010
	700/2015	324/384/386/195A/34 IPC AND 174A IPC	KARAWAL NAGAR	---	---	CONVICTED-SENTENCE A.U.G. ON 01.06.2024

5. On perusal of the above, the petitioner has been convicted for the offences *inter alia* under Section 302, 307, 394, 397 of IPC and section 25/27 of Arms Act which are all heinous offences. In all the above F.I.R's, the petitioner has been convicted. It seems to suggest that the petitioner is a habitual offender.

6. Recently, the Hon'ble Supreme Court in "*X vs. State of Rajasthan & Anr.*" in *SLP (Crl) No. 13378 of 2024* observed that bail should not be granted in serious offences once the trial has commenced. Relevant portion of the said judgment is extracted below:-

"14. Ordinarily in serious offences like rape, murder,



dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

15. Over a period of time, we have noticed two things, i.e., (i) either bail is granted after the charge is framed and just before the victim is to be examined by the prosecution before the trial court, or (ii) bail is granted once the recording of the oral evidence of the victim is complete by looking into some discrepancies here or there in the deposition and thereby testing the credibility of the victim.

16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.”

7. It is also stated that 28 out of 37 witnesses have already been



examined.

8. Keeping in view the allegations made against the petitioner and in view of his criminal antecedents, I am not inclined to grant bail to the petitioner.

9. Mr. Upadhyay, learned counsel for the petitioner draws my attention to the chargesheet wherein Jai Kumar the main accused who had hit the victim with a knife has already been granted bail.

10. The chargesheet does not indicate as to the previous convictions of Jai Kumar which is a consideration with this Court while denying the bail to the petitioner.

11. For the reasons noted above, the present petition is dismissed.

12. The Nominal Roll is taken on record of the petitioner.

JASMEET SINGH, J

DECEMBER 19, 2024/sp

Click here to check corrigendum, if any