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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 57/2025**
SAHIL RANA

.....Petitioner

Through: Mr. Siddharth Pandit, Mr. JK Sharma,
Mr. Vipin Kumar, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Ajay Vikram Singh, APP
Insp. Surender Singh, PS Kanjhawala

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **04.03.2025**

1. This is a petition seeking regular bail in the FIR No.408/2019 registered at PS Kanjhawala under Sections 302/201/120B/34 IPC and Sections 25/27/54/59 of Arms Act and Sections 103/238/61/3(5) of B.N.S., 2023.
2. As per the FIR, in the intervening night of 10-11/10/2019, the complainant along with his wife, sister and grandson Kardam were sleeping with him in a room and deceased Sahil was sleeping alone in the adjacent room. At about 01:15 am, on hearing the sound of bullet shot, complainant woke up and rushed to the room of deceased Sahil and saw running two persons climbing the wall of the house. Deceased Sahil in bleeding condition came out from the room. His Grandson Kardam also chased the said persons but the assailants ran



away from the spot alongwith their associate who was already standing in the gali on a motorcycle. Thereafter, deceased Sahil was taken to hospital where he was declared brought dead.

3. During the statement under Section 161 of Cr.PC, Kardam identified the petitioner. Subsequently, the 2 eye witnesses, namely, the complainant and Kardam (the cousin brother of the deceased Sahil) have not identified the petitioner.
4. As per the Nominal Roll dated 27.02.2025, the petitioner has already undergone incarceration for a period of 4 years 5 months 17 days.
5. The Hon'ble Supreme Court in ***Union of India v. K.A. Najeeb, (2021) 3 SCC 713*** has observed that if the Court is of the view that the trial is not likely to be concluded in near future and the accused person has undergone substantial period of incarceration, the accused should be released on bail in order to protect the fundamental right of speedy trial of the accused which flows from Article 21.
6. In addition, the accused cannot be put in jail for an indefinite period. The accused till the time is an undertrial prisoner, there is a presumption of innocence in his favour. The petitioner has no other criminal antecedents except the present FIR.
7. As of today, only 16 witnesses have been examined out of 31 witnesses and it does not seem that the trial will conclude in the near future. The eye witnesses have not identified the petitioner.
8. For the aforesaid reasons, I am inclined to allow the petition and the petitioner is directed to be released on regular bail subject to the following terms and conditions:-
 - a. The petitioner shall furnish a personal bond in the sum of Rs



- 10,000 (Rupees ten thousand only) each with 1 surety in the like amount, to the satisfaction of the concerned trial court;
- b. The petitioner shall not leave the country without the permission of the concerned court and if the petitioner has a passport, he shall surrender the same to the concerned trial court;
 - c. The petitioner shall furnish to the IO concerned the cell phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched on at all times;
 - d. The petitioner will furnish his permanent address to the concerned IO and in case he changes his address, he will inform the IO concerned;
 - e. The petitioner shall not indulge in any act or omission that is unlawful, illegal or that would prejudice the proceedings in pending cases, if any;
 - f. The petitioner shall appear in Court on every date of hearing unless exempted;
 - g. The petitioner shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
9. All the observations made herein above are only for the purpose of deciding the present petition and will have no effect on the merits of the case pending.
10. A copy of this order be communicated to the concerned jail authorities for necessary compliance.



11. The petition stands disposed of in the aforesaid terms.

JASMEET SINGH, J

MARCH 4, 2025 / (MS)

Click here to check corrigendum, if any