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

+ **BAIL APPLN. 485/2025**

AMAN

.....Petitioner

Through: Mr. Vikas Pahna, Mr. Sirhaan Seth,
Mr. Jasmeet Singh, Mr. Surya Pratap
Singh, Mr. Priyal Jain, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Shankar, PS – Swaroop
Nagar.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

ORDER
29.07.2025

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1. The applicant is before this Court seeking regular bail as an undertrial having remained under incarceration for more than three years in a criminal case arising out of FIR No. 175/2022 under sections 304/365/341/34 IPC dated 01.02.2022 registered as Police Station Swaroop Nagar.
2. Per FIR, the prosecution case is that a statement was recorded from the now-deceased Vijay, in which he stated that he lived with his family at the mentioned address and worked as a laborer. On 28.01.2022, at around 11:30 PM, while returning home from work near Gali No. 15, Swaroop Nagar, he was stopped by some bouncers who assaulted him, causing him to lose consciousness. Thereafter, they took him to a warehouse, where he was beaten further. He stated that he would be able to identify the assailants if



they were brought before him. He further mentioned that on 29.01.2022, his father admitted him to the hospital, and that his statement was recorded in the presence of his father and mother. He confirmed that he had heard and understood the contents of the statement. Subsequent to the recording of the statement, efforts were initiated to trace the accused individuals, and the Medico-Legal Case (MLC) was kept pending without final inquiry. However, on 01.02.2022, Vijay succumbed to his injuries. FIR was thus registered for offences under Sections 304/34 of the Indian Penal Code (IPC).

3. In the aforesaid I have heard the rival contentions and perused the case file.

4. At the very outset, learned counsel for the applicant would point out that all the material witnesses have been examined. Their testimony reveals that they have turned hostile and none of them have supported the prosecution version.

5. On a query put to the learned APP, under instructions of SI Shankar present in court, he does not disagree with the aforesaid position. He states that the aforesaid submission is indeed correct.

6. In the premise, I see no reason why in the sole ground of no evidence having come forth against the applicant, coupled with the duration of his custody since the day of his arrest, i.e. 02.02.2022, i.e. almost three and a half years, he be not accorded concession of bail.

7. Taking wholesome view of the matter, but without expressing any opinion on the merits of the case, the applicant is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the concerned Trial Judge /Duty Magistrate, as the case may be, subject to the usual



conditions as deemed fit by the learned Trial Judge.

8. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

9. Bail application is disposed of accordingly.

ARUN MONGA, J

JULY 29, 2025

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