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

+ **BAIL APPLN. 1798/2025**

SATISH KUMARApplicant

Through: Mr. Parveen Dabas and
Mr. Jwala Singh, Advs.

versus

THE STATE GOVT OF NCT DELHIRespondent

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Manish, Special Staff
West Distt.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **22.08.2025**

1. By the present application, the applicant seeks regular bail in FIR No. 697/2020 dated 11.08.2020, registered at Police Station Punjabi Bagh, for offences under Sections 186/353/307/411/34 of the Indian Penal Code, 1860 ('IPC') and Sections 25/27/54/59 of the Arms Act, 1959. Chargesheet was filed against the applicant under Sections 186/353/307/34 of the IPC and Sections 25/27/54/59 of the Arms Act, 1959.

2. Briefly stated, the facts of the case are, that on 10.08.2020, upon receiving an information that members of Bawania gang namely-Harpal @ Sonu and the applicant, along with their other associates, would arrive at around 10-11pm towards underpass chowk, Punjabi Bagh, to commit some crime and may be in possession of illegal weapons, a raid was conducted at the spot, with weapons as per the arms and ammunition register.

3. It is alleged that around 10:35 pm a motorcycle with two



riders was seen coming from Rani Bagh underpass. The informer identified the riders as members of the Bawania gang. On seeing that the raiding party was closing the barricades, the two riders dismounted the motorcycle and attempted to escape. It is alleged that the pillion rider drew a weapon and pointed it towards the raiding team. He is stated to have fired at HC Pradeep, though the shot did not hit. Subsequently, the rider was overpowered and apprehended by the team, and was later identified as the applicant.

4. This Court *vide* order dated 27.09.2022 had dismissed the bail application filed by the applicant on an earlier occasion, on the ground that not only was the applicant a member of the Bawania gang, he was involved in 08 other cases.

5. Undisputedly, the applicant is stated to be involved in multiple cases, however, the record indicates that all these cases were registered prior to his arrest in the present case.

6. It cannot be denied that the applicant has been in continuous incarceration for the last almost 05 years. Despite the same, as on date, only 02 witnesses have been fully examined. The trial is not likely to conclude in near future.

7. Thus, even though the applicant appears to be a habitual offender, however, the antecedents of the applicant relate to the period almost 05 or more years ago. The jail conduct of the applicant for the last 01 year is stated to be satisfactory.

8. The Hon'ble Apex Court in the case of ***Prabhakar Tewari v. State of U.P., (2020) 11 SCC 648*** had observed that mere pendency of criminal cases against the accused cannot itself be the basis for refusal of bail. The same can be a factor, however,



cannot a sole basis for refusal of prayer of bail.

9. At this stage, the investigation is already complete and the chargesheet has already been filed, there is no chance of the accused absconding or fleeing, if released on bail. Moreover, the same can also be taken care of by putting appropriate conditions.

10. 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.

11. It is also pertinent to observe that, although it has been alleged that the applicant fired at the police official, it remains undisputed that the bullet passed above the head of HC Pradeep, and no injury was sustained by him as a result of the applicant's action.

12. The petitioner, even if convicted for the alleged offences, would be liable to a maximum punishment of 10 years imprisonment and has already spent almost 5 years in custody.

13. As noted above, the applicant has spent a substantial period in custody. He cannot be made to spend the entire period of trial in custody especially when the trial is likely to take considerable time.

14. 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.

15. While it cannot be denied that the offence alleged against the applicant is heinous in nature, the Hon'ble Apex Court in the



case of **Javed Gulam Nabi Shaikh v. State of Maharashtra and Another: CrI.A.2787/2024** has observed as under:

“19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.”

16. Without commenting further on the merits of the case, keeping the facts and circumstances in mind and the fact that the trial is likely to take some time, I am satisfied that the applicant has made out a case for grant of regular bail.

17. The applicant is, directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would



be residing after his release and shall not change the address without informing the concerned IO/ SHO;

- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

18. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

19. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

20. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

AUGUST 22, 2025

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