



\$~4

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

+ **BAIL APPLN. 2180/2025**

ROHAN SINGH @ GOLU

.....Petitioner

Through: Mr.Nikhil Rastogi, Mr.Vinod
K.Mangal, Mr.Parvinder Singh,
Ms.Tannu Rathee and Mr.Kunal
Srivastava, Advocates

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms.Richa Dhawan, APP for the State
alongwith SI Sonal Raj and ASI
Suryakant, P.S.-Bharat Nagar

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

%

23.09.2025

1. Having remained under incarceration since 24.06.2024 (more than 1 year and 02 months) in a criminal case arising out of FIR No.0419/2024 dated 23.06.2024 inter alia for the alleged offence punishable under Sections 307, 427 and 34 of IPC, registered at Police Station Bharat Nagar, the applicant seeks bail. Per chargesheet the applicant/accused is an under-trial for offences punishable under Sections 307, 341, 427, 506, 509 and 34 of IPC.

2. Briefly speaking, the case set up by the prosecution/complainant as per FIR is that:-

2.1 The complainant, i.e. Sarita Kaur, along with her family, has a longstanding dispute with Balveer Singh/Balbir Singh (co-accused), who



resides in the same locality.

2.2 On 20.06.2024, Balbir Singh and his associates verbally abused and quarrelled with the complainant and her sister, Jyoti Kaur, during which the complainant sustained an injury to her left ear.

2.3 While the complainant's sister was taking the complainant to Deep Chand Bandhu Hospital for treatment, they received information that Balbir Singh(co-accused) and his associates were damaging their Bullet motorcycle bearing registration number DL 11M 8240.

2.4 While returning home and passing through a narrow lane behind their house, the complainant and Jyoti Kaur were confronted by Balveer Singh/Balbir Singh, Bikash Singh/Vikas Singh, Raman, Rohan Singh @ Golu (applicant herein), and Sundar Singh (Co-accused/ Applicant's father), who were armed with swords and rods and ran towards them.

2.5 As the complainant and her sister attempted to retreat, a brick was thrown from behind, hitting the complainant on her head and causing her to fall. Thereafter, the accused persons allegedly attacked her with swords, rods, and a knife. Vikas Singh (co-accused) hit her on the forehead with a sword, Balbir Singh (co-accused) struck her right leg with a sword, and the applicant and Sundar Singh (applicant's father/co-accused) assaulted with rod. During the assault, Balbir Singh (co-accused) allegedly exhorted to kill her and set her ablaze.

2.6 When the complainant's sister ran away and raised an alarm, Sumit (co-accused) arrived with a knife and stabbed the complainant on her right hand and arm. Believing her to be dead, the accused persons fled from the spot.

2.7 The complainant was picked up by her sister and son, Rohan and



taken to Deep Chand Bandhu Hospital, where she regained consciousness. As she was not in a position to give a statement, her family shifted her to MKW Hospital, Rajouri Garden, where she underwent treatment. Subsequently, the aforesaid FIR was registered against the accused, including the applicant herein.

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

4. Learned counsel for the applicant would *inter alia* argue on the lines of grounds pleaded in the application as below:-

4.1 That the applicant has been falsely implicated in the present case, although he has nothing to do with the alleged offence in any manner whatsoever. It is further submitted that no prima facie case under Sections 307, 341, 427, 506, 509 and 34 IPC is made out against him. It is further submitted that the complainant has attempted to rope in all male members of the family and exaggerated the incident, while suppressing the facts.

4.2 That the applicant was arrested on 24.06.2024, a day after lodging of the FIR, which shows he neither absconded nor attempted to evade the process of law. He has been in continuous judicial custody since 24.06.2024, having undergone more than 1 year and 2 months of incarceration, which amounts to pre-trial punishment and violates the fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India.

4.3 That the complainant, during her examination-in-chief, has turned hostile and resiled from her previous statement given at the time of the FIR. She categorically stated that she could not identify the assailants due to darkness and specifically deposed that the accused persons, including the applicant, did not cause any injuries to her or her sister. Thus, the star



witness of the prosecution has failed to support the case.

4.4 That the co-accused Surender Singh (Father of the applicant) has been granted bail by the Ld. Trial Court *vide* order dated 04.04.2025. It is further submitted that the applicant thus deserves the concession of bail on the ground of parity.

4.5 That there is no corroborating evidence, no recovery from the applicant, no eye-witness, no last-seen witness and no public witness on record connecting the applicant to the alleged offences. The FIR, charge-sheet and case diary are silent about his presence at the spot. No description of him appears in DD entries. As per Section 23 (Confession to Police officer) of the Bharatiya Sakshya Adhiniyam, 2023, any statement made before police officials while in custody cannot be proved against him. Till date, not an iota of legally admissible evidence exists against the applicant.

4.6 That the investigation stands concluded, charge-sheet has been filed and the applicant is no longer required for custodial interrogation. Keeping him in judicial custody now serves no useful purpose and would amount to pre-trial punishment.

4.7 That there is considerable delay in concluding the testimony of prosecution witnesses. PW-1's examination-in-chief was recorded on 24.03.2025 and PW-2 is deliberately delaying the trial, resulting in prolonged incarceration of the petitioner. The trial is likely to be protracted and continued detention would violate the petitioner's right to speedy trial under Article 21 of the Constitution.

4.8 That the applicant has clean antecedents, no prior criminal record, and this is the first case registered against him. He is a young man with responsibilities towards his wife and old-aged ailing father, who requires his



presence. Prolonged incarceration would cause irreparable hardship to the applicant and his family.

4.9 That the object of judicial custody is only to secure attendance during trial, which can be achieved by imposing stringent conditions. The learned Counsel cites ***Vakil Prasad Singh v. State of Bihar, AIR 2009 SC 1822***, where the Hon'ble Supreme Court held continued detention of an under-trial person is unnecessary, burdensome on the State exchequer, and violative of his right to speedy trial guaranteed under Article 21.

4.10 That the applicant undertakes to abide by all conditions imposed by this Court and assures that there is no risk of absconding, tampering with evidence or misuse of liberty granted.

5. Opposing the submissions, the learned APP points out to the seriousness of the allegations. It is submitted that there exists a real apprehension that, if released on bail, the applicant may abscond, threaten or intimidate the witnesses, tamper with the evidence or otherwise obstruct the course of justice. It is further submitted that the earlier bail application of the applicant was dismissed by the learned Sessions Judge, Rohini Courts *vide* order dated 03.05.2025. It is therefore urged that the continued custody of the applicant is necessary to ensure a fair trial and to prevent any misuse of liberty, and the instant petition deserves to be dismissed, being devoid of merit.

6. Having heard, *Prima facie*, I am of the view that there may be some substance in certain of the arguments addressed on merits by the learned counsel for the applicant, but the same are a matter of trial. However, at this stage, in light thereof, it appears to be a case for bail for the reasons stated hereinafter.



7. My attention has been drawn to the testimony of the victim-complainant wherein she has stated in no uncertain terms that as far as accused Rohan Singh @ Golu, i.e. the applicant herein, is concerned, he did not cause any injury to her. She further states that he, along with others i.e. Vikas, Balbir Singh, Surender Singh and Sumit, are not the persons who have been arrayed as accused, as none of them assaulted her or her sister.

8. In view thereof, *prima facie*, it seems that the prosecution's version is totally belied, and even the possibility of conviction seems remote.

9. Be that as it may, these observations are being made solely for the purpose of this bail application, and it is for the Trial Court to adjudicate on them at the appropriate stage. In view thereof, I am of the opinion that it is a fit case for the grant of bail.

10. The applicant has already remained in custody since 12.11.2018 for more than 6 years and 10 months. Investigation is over *qua* him as the charge sheet has been filed on 18.09.2024. This prolonged pre-trial detention, coupled with the slow progress of proceedings at snail's pace, are contributory factors for bail, and further continued incarceration would cause undue hardship to the applicant's family and serve no useful purpose, especially when the trial is not likely to conclude in the near future, as it violates the fundamental rule, i.e. *bail is the rule and jail an exception*.

11. As regards the apprehension of tampering with evidence or influencing witnesses is unfounded and seems illusory. The applicant has cooperated throughout the investigation, and there is nothing on record to suggest that he would interfere with evidence or influence witnesses.

12. There is also no likelihood of the applicant absconding, given that he is a well-settled individual, has deep roots in society, and is the primary



caregiver for his old, ailing father, as well as his wife, who are dependent on him for their well-being, and hence not a flight risk.

13. Considering that the primary purpose of bail is to secure the presence of the accused during trial, coupled with the fact that the applicant has clean antecedents and poses no risk of absconding, his continued detention at this stage would serve no purpose other than to punish him prior to conviction.

14. As an upshot and taking a wholesome view of the matter, particularly the undertaking given by learned counsel for the applicant and apart from what has been recorded hereinabove, I am of the view that it is a case of bail at this stage.

15. Thus, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned, as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

16. 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.

17. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 23, 2025/dy