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

+ **BAIL APPLN. 2575/2025**

BASANT KUMAR

.....Petitioner

Through: Mr. R.K. Singh, Mr. Mr.Pankaj
Sharma, Ms. Neetu Sharma and Ms.
Nivedita Singh, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

08.09.2025

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1. By way of this application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 179/2021, registered at Police Station Darya Ganj, Delhi, for the offence punishable under Sections 304/34 of the Indian Penal Code, 1860 [hereafter 'IPC'].

2. Briefly stated, the facts of the present case are that on 14.06.2021 at about 10:47 p.m., a PCR call was received at P.S. Darya Ganj regarding an accident near Delite Cinema, Asaf Ali Road, Delhi. On reaching the spot, it was found that a white Hyundai Verna car bearing registration no. HR-26BC-2297 had hit a battery rickshaw from behind and fled. The rickshaw was carrying Amzad, his wife Reshma, and their two children, along with rickshaw puller Sekh Ketab. All occupants had sustained injuries and had been taken to RML Hospital, where Reshma and Sekh Ketab were declared brought dead. Statement of the injured Amzad was recorded in the hospital,



who stated that after the car hit their rickshaw, a person sitting inside the car told the driver to “*in sabko maaro aur gaadi bhagao*”, whereafter the driver again ran over the rickshaw puller and fled from the spot. The vehicle was thereafter chased by a public witness, Adil, and intercepted near Jama Masjid, where the occupants were identified as Darshan Lal (driver) and Basant Kumar (co-passenger) and both were handed over to the police. During investigation, medical examination revealed that both the accused persons were under the influence of alcohol, and they were arrested on 15.06.2021. Upon completion of investigation, chargesheet was filed on 22.12.2021. Charges for offence under Sections 304/308/34 of IPC were framed on 29.03.2022. The case is presently at the stage of prosecution evidence.

3. The learned counsel appearing on behalf of the applicant submits that the allegations against the present applicant are that he was sitting in the car being driven by the co-accused Darshan, which had hit the deceased and injured persons. It is further submitted that the applicant has been in judicial custody for the last four years, and that the main eyewitness, Adil, has already been examined before the learned Trial Court. It is thus prayed that the applicant be granted regular bail.

4. On the other hand, the learned APP for the State contends that the allegations against the applicant are serious, inasmuch as the applicant, along with co-accused Darshan, while under the influence of alcohol, had hit five persons with their car, causing the death of two of the victims. It is submitted that 28 out of 38 prosecution witnesses have already been examined, and therefore the present bail application deserves to be dismissed.



5. This Court has **heard** arguments addressed on behalf of the applicant and the State, and has perused the material available on record.

6. Having gone through the records of the case, this Court is of the opinion that the admitted case of the prosecution is that the admitted case of the prosecution is that the present applicant was a co-passenger in the car, while it was the co-accused Darshan who was driving the vehicle in question under the influence of alcohol and had hit the injured/deceased persons.

7. It is not disputed that material witnesses, including the eye-witness Adil, have already been examined before the learned Trial Court. The applicant has remained in judicial custody for more than four years, and needless to state, the trial is likely to take some more time to conclude.

8. Thus, considering the overall facts and circumstances of the case, the role attributed to the present applicant, the fact that material witnesses have already been examined and possibility of influencing or threatening them is not apparent, and the period of custody undergone by the applicant, this Court is inclined to grant regular bail to the applicant, on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned, on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the Trial Court and if the applicant has a passport, he shall surrender the same to the concerned Court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the learned Trial Court and IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial



Court, unless exempted.

iv) The applicant 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. Accordingly, the present bail application stands allowed and is disposed of.

10. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 08, 2025/A