



\$~55

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

+ **BAIL APPLN. 3560/2025 & CRL.M.A. 27985/2025**

AJAY KUMAR @

AJAY BIHARI

..... Applicant

Through: Mr. Manmohan Sharma,
Adv. (through VC)

versus

STATE OF NCT DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP
for the State
Inspector Hitendra Kumar
& SI Satish Kumar, PS-
Mangol Puri

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

17.09.2025

%

1. The present application is filed seeking regular bail in FIR No. 1144/2017 dated 18.08.2017, registered at Police Station Mangol Puri, for offences under Sections 302/307/34 of the Indian Penal Code, 1860.

2. The FIR was registered on an allegation made by one Durgesh. It is alleged that on 17.08.2017, when the complainant and his brother Tarun saw the accused persons fighting with their father, who is handicapped, they interceded to save him. It is alleged that the applicant first stabbed the complainant with a knife. Thereafter, the applicant allegedly stabbed the complainant's brother in the stomach and chest while the other accused persons held him back. The victims were rushed to the hospital where the complainant's brother was declared to be



dead.

3. It is argued on behalf of the applicant that he was arrested way back on 08.09.2018 and he has spent considerable amount of time in custody which entitles him to grant of bail. It is further argued that the other accused persons have already been enlarged on bail by the learned Trial Court as well.

4. In the present case, grievous allegations have been made against the applicant. The applicant is alleged to have stabbed not only the complainant but also his brother, which led to his death. It is the case of the prosecution that the knife blows to both the victims were dealt by the applicant. *Prima facie*, the role of the applicant appears to be graver than both the other accused persons.

5. Undisputedly, the applicant has been in custody from a very long period of time, however, it is pointed out that the applicant was declared as Proclaimed Offender by order dated 21.12.2017 and he was thereafter arrested on 08.09.2018.

6. It is also pointed out that the trial is at a fag end and all the witnesses have been examined. It is stated that only the testimony of the Investigating Officer remains to be recorded.

7. The Hon'ble Apex Court, recently, in the case of **X v. State of Rajasthan & Anr. : 2024 INSC 909**, in a challenge to the order passed by the High Court of Judicature for Rajasthan whereby the bail application filed by the accused was allowed observed as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

15. Over a period of time, we have noticed two things, i.e., (i)



either bail is granted after the charge is framed and just before the victim is to be examined by the prosecution before the trial court, or (ii) bail is granted once the recording of the oral evidence of the victim is complete by looking into some discrepancies here or there in the deposition and thereby testing the credibility of the victim.

16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.”

8. In such circumstances, considering that the trial is at a fag end as well as the fact that the applicant had absconded and he was declared as a Proclaimed Offender, this Court does not consider it apposite to entertain the present bail application.

9. The present application is therefore dismissed.

10. However, considering that the FIR was registered way back in the year 2017, the learned Trial Court is requested to conclude the trial expeditiously within a period of six months.

AMIT MAHAJAN, J

SEPTEMBER 17, 2025

“SS”