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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3724/2024**
SAHIL SOLANKI

.....Petitioner

Through: Mr. Ajay Kr. Thakur, Adv.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP
SI Prem, PS KNK Marg

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
18.02.2025

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1. This is a petition filed under Section 483 of BNSS, 2023 seeking grant of regular bail in F.I.R No. 448/2021 dated 12.10.2021 under sections 302/120B/34 of IPC & 25/27 of Arms Act registered at Police Station K.N. Katju Marg, Delhi.
2. On 11.10.2021, a PCR call was received regarding firing in Sector -16-17 dividing road, near Punjabi Food Dhaba, Sector-16, Rohini. After conducting inquiry, the injured was found as Deepak, aged about 38 years and was declared dead.
3. During the investigation, the petitioner and co-accused Naveen Sharma were arrested on 15.10.2021 and their mobile phones were seized.
4. After analyzing the seized mobile phones, it was discovered that they were in contact with Kapil Maan @ Kallu lodged in Mandoli Jail. During



interrogation, it was further discovered that they were planning to revenge the murder of Gangster Gogi.

5. The role assigned to the petitioner is that he was in touch with the main conspirator, namely Kapil Mann and had done *recci* and had shown the locations of the deceased, Deepak. He was also in touch with co-accused Naveen Sharma. The CDR record also shows the same.
6. The Hon'ble Supreme Court in ***Union of India v. K.A. Najeeb, (2021) 3 SCC 713*** has observed that if the Court is of the view that the trial is not likely to be concluded in near future and the accused person has undergone substantial period of incarceration, the accused should be released on bail in order to protect the fundamental right of speedy trial of the accused which flows from Article 21.
7. In addition, the accused cannot be put in jail for an indefinite period of time. The accused till today is an undertrial prisoner; there is a presumption of innocence in his favour.
8. In the present case, admittedly, the petitioner is not the person who had shot the deceased Deepak. Further, the charges were framed against the petitioner on 20.07.2024 and since then not even one witness has been examined till date out of total 29 witnesses cited by the prosecution. There is no likelihood that the trial will be concluded in the near future.
9. As per the Nominal Roll, the petitioner has been in custody for 3 years and 12 days as on 28.12.2024. Further, there is one case pending against the petitioner i.e. FIR No. 757/2016, U/S-147/149/290/323/506/427/120B IPC & 3 DPDA ACT, P.S KNK MARG wherein the petitioner is already on bail.
10. For the aforesaid reasons, I am inclined to allow the petition and the



petitioner is directed to be released on regular bail subject to the following terms and conditions:-

- a. The petitioner shall furnish a personal bond in the sum of Rs 10,000 (Rupees ten thousand only) each with 1 surety in the like amount, to the satisfaction of the concerned trial court;
 - b. The petitioner shall not leave the country without the permission of the concerned court and if the petitioner has a passport, he shall surrender the same to the concerned trial court;
 - c. The petitioner shall furnish to the IO concerned the cell phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched on at all times;
 - d. The petitioner will furnish his permanent address to the concerned IO and in case he changes his address, he will inform the IO concerned;
 - e. The petitioner shall not indulge in any act or omission that is unlawful, illegal or that would prejudice the proceedings in pending cases, if any;
 - f. The petitioner shall appear in Court on every date of hearing unless exempted;
 - g. The petitioner 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.
11. All the observations made herein above are only for the purpose of deciding the present petition and will have no effect on the merits of the



case pending.

12. A copy of this order be communicated to the concerned jail authorities for necessary compliance.
13. The petition stands disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 18, 2025/sp

[Click here to check corrigendum, if any](#)