



\$~11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4434/2024**
SONU NASH

.....Petitioner

Through: Mr. Shiv Chopra, Ms. Surbhi Arora,
Mr. Siddharth Arora, Advs.

versus

THE STATE GOVT. OF NCT DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP
SI Pankaj Yadav, PS Nangloi

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
13.01.2025

%

1. This is a petition filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner in FIR No. 149/2020, dated 07.03.2020, registered at PS Nangloi under sections 302/34 of IPC, 1860. The chargesheet has been filed under sections 302/392/397/411/34 of IPC, 1860.
2. In the present case, the petitioner has been in custody since 07.03.2020.
3. Briefly stating the facts are that the FIR came to be registered on the complaint of one, namely, Mrs. Gudiya (complainant), whereby it is stated that the petitioner along with other 3 people came on a motorcycle and stopped the victim. Thereafter, an altercation took place and the accused persons stabbed the victim, who consequently, succumbed to his injuries.
4. As per the chargesheet, it has been brought on record that it was not



the petitioner who had stabbed the victim, instead, it was a co accused, namely, Devinder alias Chiku who had stabbed the victim.

5. My attention has also been drawn to the statement of the complainant (PW – 1) dated 05.09.2022, whereby she has stated that it was Devinder alias Chiku who had stabbed the victim with the knife.

6. The role attributed to the petitioner is that he gave few fist blows to the victim and also hit him with a big service spoon.

7. Learned counsel for the petitioner places reliance on the judgment passed by a coordinate bench of this court in BAIL APPLN. 1500/2023 titled “***Ajay Lala vs. The State NCT of Delhi***”. The operative portion of the judgment reads as under:

“14. Apart from the merits of the case, it cannot be overlooked that the petitioner is in custody for approximately 03 years and 05 months and there is no possibility of the trial being concluded any time soon, inasmuch as out of 32 witnesses cited by the prosecution, about 20 witnesses have been examined till date. At this stage, there is also a presumption of innocence in favour of the petitioner and in the given circumstance the petitioner cannot be kept in custody to await the outcome of trial, the conclusion of which is likely to take long time.”

8. Based on the chargesheet and the testimony of the complainant, it is clear that the petitioner has not stabbed the victim.

9. As per the nominal roll dated, 30.12.2024, the petitioner has undergone incarceration for a period of 4 years 9 months and 19 days.

10. In addition, there are 32 witness cited by the prosecution, out of which only 9 witnesses have been examined till date and the petitioner is still an under trial prisoner.



11. Reliance placed by the learned counsel for the petitioner on *Ajay Lala* (supra) is also well placed.

12. I am of the view that the trial is not likely to conclude in near future and the continued incarceration of the petitioner will be violative of the Article 21 of the Constitution of India. The charges against the petitioner are yet to be proved. Every accused a right of speedy trial.

13. For the said reasons, I am inclined to allow the present petition and the petitioner is directed to be released on 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) with one surety of the like amount to the satisfaction of the concerned Trial Court;
- (b) The petitioner shall provide his mobile number to the concerned Investigating Officer (IO), which shall be kept in working condition and switched on at all times. The petitioner shall also provide his permanent residential address and in case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned IO as well as to the concerned Court;
- (c) The petitioner shall not leave the country without permission of the competent Court during the bail period and surrender his passport, if any, at the time of release before the concerned Court;
- (d) The petitioner shall not directly/indirectly try to get in touch with any prosecution witnesses or tamper with the evidence.
- (e) The petitioner shall not indulge in any act or omission that is



unlawful or that would prejudice the proceedings in pending cases, if any

14. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.
15. The status report handed over in Court today is taken on record.
16. The present petition is disposed of accordingly.

JASMEET SINGH, J

JANUARY 13, 2025 / (MS)

Click here to check corrigendum, if any