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

+ **BAIL APPLN. 4531/2024**

SAHIL ARORA

.....Petitioner

Through: **Ms. Dolly Sharma, Advocate**

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: **Mr. Laksh Khanna, APP for the State**
SI Raghbir Prasad, P.S. Khyala

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **10.01.2025**

1. The captioned bail application has been filed under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') praying for regular bail in FIR no. 482/2016 PS Khyala, Delhi dated 07.12.2016 registered at Police Station Khyala, Delhi under Sections 307/506/34 of the Indian Penal Code ('IPC').
2. It is stated that the Petitioner has already undergone incarceration for a period of one (1) year.
3. It is stated that charge-sheet already stands filed and statement of 11 witnesses has been recorded which includes the material witness.
4. It is stated that all the three co-accused have already been enlarged on regular bail. It is stated that the main accused Sukhwinder Singh alias Burfi has also been granted regular bail by the Trial Court.
5. It is stated that the co-accused Baljeet Singh alias Prince was granted



regular bail by the High Court on 16.11.2018 and Gurmeet Singh alias Vicky has been granted regular bail by the Trial Court vide order dated 25.09.2024.

6. Learned APP for the State has referred to the status report dated 07.01.2025 and submitted that while it is a matter of record that the three (3) co-accused have been enlarged on bail, the distinguishing factor is that the Petitioner herein was declared a proclaimed offender ('PO') on 20.02.2018 and the Petitioner herein was arrested subsequently on 23.12.2023 during his arrest in another FIR no. 285/2023 dated 12.12.2023.

7. In response, learned counsel for the Petitioner states that Section 82 Cr.P.C proceedings were also initiated against the main accused Sukhwinder Singh alias Burfi, however, he as well has been since enlarged on regular bail.

8. She states that the Petitioner after his re-arrest on 23.12.2023 has been enlarged on interim bail on two separate occasions on 21.05.2024 and 27.09.2024; and the Petitioner has duly surrendered on the expiry of the interim bail. She states the Nominal Roll also records that the overall conduct of the Petitioner in the last one year has been reported satisfactory by the Jail Superintendent. She states that in view of this subsequent conduct of the Petitioner, the prayer in this application be duly considered.

9. She states that the Petitioner has been granted regular bail in FIR no. 285/2023.

10. This Court has considered the submission of the parties.

11. The accused has been in judicial custody for 10 months and 4 days as on 29.12.2024. The other co-accused including the main accused are already on bail. Charges have been framed and material witnesses also have been



examined and the trial is likely to take a considerable amount of time. The Petitioner cannot be made to spend the entire period of trial in custody.

12. Insofar as the apprehension of the Respondent is concerned that the Petitioner will evade trial, it is relevant to note that the Petitioner was enlarged on interim bail and he did not misuse his liberty.

13. In view of the aforesaid discussion, the Petitioner has made out a prima facie case for grant of bail.

14. Thus, considering the overall facts and without commenting on the merits of the case, this Court is of the opinion that the Petitioner ought to be enlarged on bail. The Petitioner is, therefore, admitted to regular bail in FIR no. 482/2016 of PS Khyala and is directed to be released on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court and subject to the following conditions:

- (i) Petitioner will not leave the country without prior permission of the Trial Court.
- (ii) Petitioner shall provide its permanent address to the Trial Court. The Petitioner shall intimate the said Court by way of an affidavit and to the IO regarding any change in residential address.
- (iii) Petitioner shall appear before the Trial Court as and when the matter is taken up for hearing.
- (iv) Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- (v) Petitioner shall not indulge in any criminal activity and shall



not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family.

(vi) The Petitioner shall not threaten the witnesses or tamper with the evidence of the case.

(vii) The Petitioner shall report at PS Khyala once in a month, i.e., on the 1st of every month at 04:00 PM and the concerned officer is directed to release him by 04:30 PM after recording his presence and completion of all formalities.

15. In the event of there being any FIR/DD-entry/Complaint lodged against the Petitioner during the period of bail, it would be open to the State to seek redressal by filing an application seeking cancellation of delay.

16. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

17. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

18. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

19. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JANUARY 10, 2025/hp/ms