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

+ **BAIL APPLN. 183/2026**

NASHRUDDIN @ SASHRU

.....Petitioner

Through: Mr. Sunder, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Satyander

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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19.03.2026

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 761/2019, registered at Police Station Samaypur Badli, Delhi for the commission of offences punishable under Sections 307/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
2. Brief facts of the case are that DD No. 6-A dated 30.10.2019 received at P.S. Samaypur Badli, regarding admission of one Kunal @ Samir in BSA Hospital with stab injuries. It was reported that he had sustained multiple incised wounds on his chest. Shortly thereafter, another DD entry (No. 9-A) was received informing that two other injured persons, namely Kapil @ Akhil and Manish, both inmates of Rohini Jail, had also been admitted to the hospital. During inquiry, it was revealed that a violent incident had taken place inside Rohini Jail. The I.O. had reached the jail, where the Deputy Superintendent had informed that the injured persons, Kunal @ Samir, Kapil



@ Akhil, and Pritam, had been assaulted by several co-inmates using surgical blades, a handmade *suaa*, and a knife (aluminium *patti*). The statement of injured Pritam was recorded, wherein he stated that certain accused persons had entered the barrack and attacked Kunal, and when he and Kapil attempted to intervene, they were also assaulted. It was further alleged that the remaining accused persons stood guard outside the barrack by bolting the gate, thereby preventing any assistance from reaching the victims. On the basis of the statement of injured Pritam, the present FIR under Sections 307/34 of the IPC was registered.

3. During investigation, all accused persons were arrested, and it was revealed that they bore previous enmity against Kunal and had conspired to eliminate him inside the jail. As per status report, the medical opinion obtained subsequently indicated that the injuries sustained by Kunal were 'dangerous to life'. After completion of investigation, chargesheet for commission of offence under Sections 307/34 of IPC was filed before the learned Trial Court, and charges were framed on 10.12.2021.

4. The learned counsel appearing for the present accused/applicant argues that the applicant has been falsely implicated in the present case and has been in judicial custody for more than 05 years and 06 months. It is contended that the investigation stands completed, no recovery has been effected from the possession of the applicant, and the chargesheet has already been filed. It is further submitted that the matter is presently at the stage of prosecution evidence, and that the complainant as well as two other eye-witnesses have not supported the prosecution case in their testimonies. It is also argued that several co-accused persons have already been granted regular bail. It is, therefore, prayed that the applicant be released on bail.



5. *Per contra*, the learned APP for the State opposes the present bail application and argues that the allegations against the applicant are grave and serious in nature. It is contended that the offence alleged is heinous, and the applicant has previous criminal antecedents, including involvement in cases of murder and attempt to murder. It is further submitted that these aspects were duly considered by the learned Trial Court while dismissing the applicant's bail application *vide* order dated 06.09.2025. It is, therefore, prayed that the present bail application be dismissed.

6. This Court has **heard** arguments addressed by the learned counsel appearing for the applicant as well as the State and has perused the material on record.

7. The allegations against the accused/applicant are that he, along with co-accused persons, had participated in the assault on the injured Kunal inside the barrack of Rohini Jail, using sharp objects such as surgical blades, a handmade *sua*, and a knife, in furtherance of a common intention.

8. However, this Court notes that the incident in question pertains to 30.10.2019. As per record, out of a total of 23 prosecution witnesses, only 10 witnesses have been examined so far, while 13 witnesses remain to be examined. Thus, it is apparent that the trial is likely to take considerable time to conclude.

9. Moreover, the charge in the present case has been framed for offence under Section 307 of the IPC, and the applicant has been in judicial custody for a period of about 05 years and 06 months.

10. Therefore, considering the prolonged period of incarceration undergone by the applicant, the stage of trial, and the fact that material witnesses have already been examined before the learned Trial Court, this



Court is of the opinion that the applicant has made out a case for grant of regular bail.

11. Accordingly, the applicant is admitted to bail, on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the 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 concerned Court and if he has passport, he shall surrender the same to the concerned trial court.
- ii) The applicant shall share his contact details (mobile numbers and residential address) with the IO/SHO and the Trial Court; and in case of any change in the said details, the applicant shall promptly inform the same to the concerned Court and the concerned IO/SHO.
- iii) The applicant shall appear before the Trial Court on every date of hearing unless exempted;
- iv) The applicant shall also mark his attendance at P.S. Samaypur Badli, before the concerned SHO, once in a month, but he shall not be kept waiting for more than one hour;
- v) 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.

12. The present bail application is accordingly disposed of.

13. It is, however, clarified that nothing expressed hereinabove shall



tantamount to an expression of opinion on the merits of the case.

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 19, 2026/rr

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