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

+ **BAIL APPLN. 233/2026**

SURAJ

.....Petitioner

Through: Mr. Jaiveir with Mr. Irshad, Mr. Amaan, Mr. Shahruk, Ms. Tamanna, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State. Insp. Gyan Prakash and Insp. Sanjay Kumar, P.S.: Kotwali.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

07.05.2026

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By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No.132/2020 dated 13.03.2020 registered under section 302 of the Indian Penal Code, 1860 ('IPC') at P.S.: Kotwali, North District, Delhi.

2. Notice on this petition was issued on 20.01.2026.
3. Status Report dated 18.03.2026 has been filed.
4. Nominal Roll dated 09.03.2026 has been received from the Jail Superintendent.
5. *Vidé* order dated 20.01.2026, intimation was issued to the next-of-kin of the deceased. Mr. Shoaib Haider, learned APP appearing for the State informs the court, that the deceased as well as the petitioner were vagabonds; and therefore it has not been possible to trace the next-of-kin of the deceased.



6. Mr. Jaiveir, learned counsel appearing for the petitioner submits, that a perusal of the chargesheet would show that the offence alleged against the petitioner arises in the context of a scuffle that took place between the petitioner and the deceased, both of whom were vagabonds at the relevant time. It is submitted that the allegation is that the petitioner struck the victim with a broken bottle and caused incised wounds on his neck, which led to the victim's death.
7. Counsel submits, that the circumstances in which the incident occurred would show, that it was not a case of murder under section 302 of the IPC, but at worst, a case of culpable homicide not amounting to murder under Part II of section 304 of the IPC.
8. Counsel further submits, that the trial in the matter is underway and 22 out of 27 prosecution witnesses have already been examined; with all remaining witnesses being police officials.
9. Mr. Jaiveir further submits, that in the meantime, the petitioner has served *more than 06 years* of judicial custody as an undertrial.
10. Counsel accordingly prays, that the petitioner be enlarged on regular bail to enable him to prepare his defence.
11. Upon query, Mr. Jaiveir states, that though earlier the petitioner was a vagabond in Delhi, but it will be noticed that the present petition has been filed by the petitioner's father as his *pairokar*; and the father is therefore now ready and willing to take responsibility of the petitioner.
12. On the other hand, Mr. Haider opposes the grant of bail to the petitioner, principally on the ground that since the petitioner was a vagabond and his permanent address is shown as Pithoragarh, Uttarakhand, the petitioner is a flight-risk.



13. Though the apprehension expressed by learned APP that the petitioner is a flight-risk cannot be ruled-out, this court is of the view that the fact that the petitioner has remained in judicial custody for *more than 06 years* as an undertrial, also cannot be ignored.
14. The nominal roll shows that the petitioner has undergone more than 06 years of judicial custody as of date; his jail conduct in the last one year has been 'satisfactory'; and that he has no other criminal involvement.
15. Upon a conspectus of the foregoing facts and circumstances, and essentially on the grounds that the petitioner has remained in judicial custody for a prolonged period of time as an undertrial, and all public witnesses have already been examined before the learned trial court, this court is persuaded to allow the present petition.
16. Accordingly, the petitioner – **Suraj s/o Digar Singh Mehto** – is admitted to *regular bail* pending trial, subject to the following conditions:
 - 16.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in the like amount from his father, to the satisfaction of the learned trial court;
 - 16.2. The petitioner shall not leave the State of Uttarakhand without permission of the learned trial court, *except* for travelling to and from Delhi to appear before the learned trial court, and shall ordinarily reside at the address as per prison records/as mentioned in the present petition;
 - 16.3. The petitioner shall present himself before the S.H.O, P.S.: Nachini, Pithoragarh, Uttarakhand every *alternate* Wednesday



between 11 am and 11:30 am to mark his presence. However, he will not be kept waiting longer than an hour for this purpose;

- 16.4. The petitioner shall furnish to the Investigating Officer a cellphone 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;
- 16.5. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial;
- 16.6. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing; and
- 16.7. The petitioner shall attend every date of hearing before the learned trial court, unless exempted by that court.
17. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
18. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
19. The petition stands disposed-of in the above terms.
20. Pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 7, 2026/ds