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

+ BAIL APPLN. 269/2026

RAZA HASAN @ GOLU

.....Petitioner

Through: Mr. Hirein Sharma, Mr. Vimal Tyagi,
Mr. Saurabh Goel and Mr. Balaji
Pathak, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
Insp. Sanjeev Pahwa and SI
Deepanshu Choudhary, P.S.: Harsh
Vihar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

13.05.2026

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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. 0425/2017 dated 20.10.2017 registered under section 302 of the Indian Penal Code, 1860 ('IPC') at P.S.: Harsh Vihar, North-East District, Delhi. Consequent upon completion of investigation, offences under sections 365/506/34 of the IPC have been added *vidé* chargesheet dated 17.01.2018.

2. Notice on this petition was issued on 22.01.2026.
3. Status report dated 17.03.2026 has been filed alongwith medical status report dated 11.03.2026, and previous conviction/involvement report dated 18.03.2026.
4. Nominal roll dated 19.03.2026 has also been received from the Jail Superintendent.



5. The court has heard Mr. Hirein Sharma, learned counsel for the petitioner; as well as Ms. Shubhi Gupta, learned APP appearing for the State.
6. Mr. Sharma argues, that the only piece of evidence on the basis of which the petitioner - Raza Hasan @ Golu - has been implicated in the murder of Sandeep @ Chirkut, is the alleged 'last seen evidence' captured by way of certain CCTV footage, which the prosecution claims, shows the petitioner alongwith co-accused Shebu forcibly escorting the deceased down a public street at about 9:51 p.m. on 19.10.2017. It is submitted that the victim was found dead in a vacant plot of land at about 11:50 pm on 19.10.2017 itself.
7. Mr. Sharma submits, that the prosecution has sought to connect the alleged last seen evidence, with an allegation that the petitioner had had an altercation with the deceased on the previous day.
8. Mr. Sharma has taken the court through the testimonies of several witnesses placed on record. Counsel submits, that PW-1 Akash has described the alleged altercation of the previous day, and has also described the movement of the deceased on the night of 19.10.2017, wherein he states that he saw the petitioner (and the co-accused) forcibly taking the deceased with them; and that when Akash protested, the 02 accused persons are alleged to have threatened him to leave immediately, else he would "*also be killed*".
9. It is argued however, that despite the aforementioned circumstances described by PW-1, he did not place any call to the police, and the PCR call was made by a passerby subsequently on the said date.



10. Mr. Sharma has also drawn attention to the statements of PW-4 Dinesh, PW-6 Lalit and PW-7 Firoz, to argue, that while the other 02 witnesses have not said anything incriminating in relation to the petitioner, PW-6 has in fact turned hostile.
11. Mr. Sharma submits, that the CCTV footage on which the prosecution is placing reliance does not capture the alleged offence, but only shows the petitioner and the co-accused alongwith the deceased, earlier that night. Mr. Sharma submits, that there is no weight in the last seen evidence being cited, inasmuch as the petitioner would canvas exculpatory defence evidence to show his movements after the time when he was seen with the deceased that night.
12. Most importantly, Mr. Sharma argues, that the petitioner has been in custody as an undertrial from the time of his arrest on 20.10.2017 *i.e.*, for about *08 years and 07 months* now; whereas in the meantime only 18 out of 43 prosecution witnesses cited have been examined so far. Mr. Sharma submits, that the continued undertrial detention of the petitioner, with the conclusion of the trial being nowhere in sight, defeats the petitioner's right to speedy trial guaranteed under Article 21 of the Constitution of India.
13. In support of his submission, Mr. Sharma has drawn attention to recent orders of the Supreme Court in ***Vaibhav Singh vs. State of Uttar Pradesh***¹ and ***Sahil Manoj Machare vs. The State of Maharashtra***², to emphasise that the Supreme Court has placed over-arching

¹ SLP (CrI.) No. 7416/2026

² SLP (CrI.) No. 7502/2026



importance on the necessity of releasing undertrials on bail *even* in cases involving accusations of murder.

14. Mr. Sharma, has also relied upon a decision of a Co-ordinate Bench of the High Court of Bombay in ***Vikas Chandrakant Patil vs. State of Maharashtra***³, in support of the same contention.
15. Learned counsel accordingly argues, that the petitioner deserves to be enlarged on regular bail, even if *only* on the ground of the evident, inordinate delay in conclusion of the trial.
16. On the other hand however, Ms. Shubhi Gupta learned APP for the State has opposed the prayer for bail, arguing that apart from the testimony of PW-1, who has seen the petitioner and co-accused with the deceased just about 02 hours before the time of the victim's death, even the other witnesses, *inter-alia* PW-4 and PW-7, have supported the prosecution case.
17. Ms. Gupta argues, that the faces of the petitioner as well as the deceased are clearly seen in the CCTV footage, which the FSL has opined to be authentic.
18. Ms. Gupta submits, that the cause of death is 'blunt force injury' from a broken Indian style commode or a concrete stone, which were recovered from the scene of crime, both of which had the blood of the deceased on them.
19. Learned APP submits, that the petitioner's trousers seized on the next day, are also found to have the blood of the deceased on them.

³ 2025 SCC OnLine Bom 1892



20. Insofar as the last seen evidence is concerned, Ms. Gupta argues, that the time gap between the petitioner and co-accused being seen with the deceased *and* the time of death is just about 02 hours, which points to the cogency of the last seen evidence.
21. However, upon query Ms. Gupta submits, that the fact that only 18 out of 43 prosecution witnesses have been examined so far despite lapse of about 09 years, is a matter of record; and the delay in trial is for the court to assess.
22. Though the petitioner's nominal roll shows that his overall jail conduct has been 'unsatisfactory'; and 02 punishment tickets have been awarded to him, the petitioner has already suffered the prison punishment against those punishment tickets. Furthermore, the nominal roll records that the petitioner's jail conduct *over the last 01 year* has been 'satisfactory' and that he was also granted interim bail in February of 2020.
23. It is also noticed that the petitioner has another case dating back to 2017 *inter-alia* for the offence under section 307 of the IPC registered against him at P.S.: GTB Enclave, Shahadra; but the petitioner is stated to be on bail in the said case.
24. Upon a conspectus of the foregoing, and while resisting any comment on the evidence cited by the State, this court is *only* persuaded by the aspect of delay in trial which enures to the benefit of the petitioner. It is hard to rationalize or explain how an accused can be *detained in custody as an undertrial for almost 09 years when only 18 out of 43 prosecution witnesses have so far been examined* at the trial.



25. As a sequitur to the above this court persuaded to allow the present petition.
26. Accordingly, the petitioner - **Raza Hasan @ Golu s/o Aslam** - is admitted to *regular bail* pending trial *subject to* the following conditions:
 - 26.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial court;
 - 26.2. The petitioner shall furnish to the Investigating Officer/S.H.O P.S.: Harsh Vihar, Delhi 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;
 - 26.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
 - 26.4. 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; and
 - 26.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.
27. Since the petitioner is facing trial and would therefore be appearing before the learned trial court from time-to-time, it is not considered



necessary to impose a reporting requirement as a condition of regular bail.

28. Accordingly, the petition stands disposed-of in the above terms.
29. Pending applications, if any, disposed-of.
30. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.

ANUP JAIRAM BHAMBHANI, J

MAY 13, 2026/hb