



\$~9

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

+ **BAIL APPLN. 417/2026**

K@K

.....Petitioner

Through: Mr. Gaurav Chauhan and Mr. Sumit
Verma, Advocates

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

27.03.2026

%

1. By way of the instant application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 134/2022, registered at Police Station Jahangirpuri, Delhi for the commission of offence punishable under Sections 302/34/109 of the Indian Penal Code, 1860 (hereafter '*IPC*').
2. Status Report and Nominal Roll has not been received.
3. Briefly stated, the case of the prosecution is that on 19.01.2022, three Children in Conflict with Law (CCLs) had gone to A-Block School, Jahangirpuri, for COVID vaccination; however, due to non-availability of the vaccine, they proceeded to Ramleela Park, Main BJRM Hospital Road, near Khatta, K-Block, Jahangirpuri, New Delhi, where they started playing *gilli danda*. At about 2:00 PM, the deceased, namely Hibbu @ Shibbu, who was known to CCL V @ B, was present at the spot. It is alleged that a



quarrel ensued after CCL V @ B abused the deceased and struck him with a *gilli danda* stick. Thereafter, CCL V @ B allegedly handed over the stick to CCL K @ K, asked CCL S to record the incident on his mobile phone, and thereafter took out a knife from his jacket/hoodie and inflicted a stab injury upon the deceased. As per Post Mortem Report No. 69/2022 dated 20.01.2022, the cause of death is stated to be haemorrhagic shock due to a stab injury to the lower back, which was sufficient to cause death in the ordinary course of nature and was caused by a sharp-edged weapon. The medical evidence thus attributes the fatal injury to the act of stabbing.

4. The learned counsel appearing for the applicant argues that the prosecution case reflects that the alleged fatal injury was inflicted solely by CCL V @ B, and the role attributed to the present applicant (CCL K @ K) is limited to his presence at the spot. It is contended that the applicant had no prior knowledge of any dispute or enmity between CCL V @ B and the deceased, nor was he aware that CCL V @ B was carrying any weapon. It is further stated that no recovery has been effected from the applicant, and that the alleged weapon of offence and mobile phone were recovered from CCL V @ B, and bloodstains were found on his clothes and shoes. Upon completion of investigation, the chargesheet has been filed before the concerned Court. It is argued that the applicant has been in judicial custody since 20.01.2022, and the sole eye-witness in the case has not supported the case of prosecution before the learned Trial Court. Thus, it is prayed that the applicant be granted regular bail.

5. The learned APP for the State, on the other hand, submits that the allegations against the applicant are serious in nature and that he was



involved in the commission of the offence, wherein all the accused persons, in furtherance of their common intention, caused injuries to the deceased, resulting in his death. It is further contended that prosecution witnesses are presently being examined before the learned Trial Court, and at this stage, the present bail application deserves to be dismissed.

6. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the case file.

7. In a nutshell, the allegations against the applicant are that he was present at the spot along with the co-accused persons at the time of the incident and was part of the sequence of events leading to the commission of murder of the deceased.

8. This Court notes that the sole eye-witness in the present case has admittedly turned hostile and has not supported the prosecution case. The applicant has remained in judicial custody for more than 04 years. Moreover, out of about 25 prosecution witnesses cited by the prosecution, only about 07 witnesses have been examined thus far, including the material/public witnesses, and the trial is likely to take considerable time to conclude.

9. Therefore, considering the overall facts and circumstances of the case, this Court is inclined to grant regular bail to the applicant 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 not indulge in any criminal activity;
 - 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.
10. The bail application is accordingly disposed of.
11. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 27, 2026/rr
TD