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

+ **BAIL APPLN. 512/2026**

KRISHAN @ BALA

.....Petitioner

Through: Ms. Pallavi Garg with Ms. Sanjana
Sharma Sahu (DHCLSC), Advocates.

versus

THE SATE GOVT. NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

06.04.2026

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 494/2017, registered at Police Station Bhalswa Dairy, Delhi for the commission of offences punishable under Sections 302/201 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the case of the prosecution is that on 01.09.2017, a PCR call was received at P.S. Bhalswa Dairy vide DD No. 9A regarding a dead body lying near Khatta Service Road. Thereupon, the Investigating Officer (I.O.) along with the police staff had reached the spot, inspected the scene of crime, and recovered an ATM card from the possession of the deceased bearing the name 'Rajender Kumar'. The dead body was thereafter shifted to BJRM Hospital and the present FIR came to be registered. During the course of investigation, the identity of the deceased was established as



Rajinder @ Lada, S/o Sukhdev Raj, R/o Batala, Punjab. It is the case of the prosecution that a witness disclosed that on 31.08.2017, the present applicant Krishan @ Bala, along with one associate, had taken the deceased on a white scooty, after which the deceased was not seen alive. It is further alleged that on 10.09.2017, the applicant Krishan @ Bala was apprehended from near Mukundpur–Burari Flyover while he was coming on a Honda Activa scooter. During interrogation, he allegedly disclosed that he, along with co-accused Rahul, had developed acquaintance with the deceased and, owing to personal enmity, had taken him to Bhalswa Khatta on the intervening night of 31.08.2017 and 01.09.2017, where they had committed his murder. The applicant further allegedly disclosed about the use of the scooty in the commission of the offence and about certain articles belonging to the deceased being in his possession, whereas the weapon of offence and other incriminating articles were stated to be with co-accused Rahul. It is also the case of the prosecution that the said co-accused Rahul could not be apprehended during the course of investigation.

3. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case. It is submitted that despite the charges having been framed more than seven years ago, the prosecution has failed to conclude its evidence within a reasonable time and only 17 out of 23 prosecution witnesses have been examined till date. It is contended that the applicant has remained in judicial custody in the present case for about 3 years and 8 months. It is also contended that there is no eyewitness to the alleged incident and the case of the prosecution against the applicant is primarily based on the 'last seen' evidence. It is therefore prayed that the applicant be granted regular bail.



4. On the other hand, the learned APP appearing for the State strongly opposes the present bail application and submits that the allegations against the applicant are serious in nature. However, it is not disputed that the evidence against the present applicant is primarily the 'last seen' evidence, and that during the course of investigation it was also found that the applicant was allegedly using the mobile phone belonging to the deceased. It is nevertheless prayed that since the applicant is also involved in another FIR, the present bail application be dismissed.

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

6. Having heard the learned counsel appearing for either side and having perused the material on record, this Court notes that the allegations against the present applicant are that he, along with the co-accused, had taken the deceased to Bhalswa Khatta on the intervening night of 31.08.2017 and 01.09.2017, where the deceased was allegedly murdered. However, it is not disputed that there is no eyewitness to the incident and the case of the prosecution against the present applicant is primarily based on the 'last seen' evidence.

7. This Court further notes that the applicant has remained in judicial custody in the present case for a period of about 3 years and 8 months. It has also been brought to the notice of this Court that the applicant had earlier been released on interim bail in the year 2020 pursuant to the directions issued by the High Powered Committee in view of the Covid-19 pandemic. Further, the charges in the present case were framed more than seven years ago and the trial is still pending, with about 17 out of 23 prosecution witnesses having been examined till date. Thus, the conclusion of trial is



likely to take some more time.

8. Considering the overall facts and circumstances of the present case, including the period of custody already undergone by the applicant, the fact that the trial is likely to take considerable time to conclude, and for reasons recorded hereinabove, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.10,000/- 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 a 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.

9. The bail application is accordingly disposed of.

10. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.



11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 06, 2026/vc

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