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

+ **BAIL APPLN. 540/2026**

**TUSHAR**

.....Petitioner

Through: Mr. Kush Tanwar, Advocate.

versus

**STATE GOVT. OF NCT OF DELHI** .....Respondent

Through: Mr. Manoj Pant, APP for the State  
with Insp. Mukesh Kumar, PS:  
Janakpuri, Delhi.

**CORAM:**

**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

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**08.04.2026**

1. By way of the present application, the applicant seeks grant of regular bail in a case arising out of FIR bearing No. 66/2020, registered at Police Station Janakpuri, Delhi, for the commission of offence punishable under Sections 302/34 of the Indian Penal Code, 1860 (hereafter 'IPC') and Section 25/27/54/59 of Arms Act, 1959.
2. Briefly stated, the facts of the present case, as per the prosecution's case, are that on 04.02.2020, a PCR call was received at PS Janakpuri regarding one Gagandeep, who was admitted to Mata Chanan Devi Hospital in an injured condition. On 05.02.2020, during CT Scan, it was revealed that the injuries sustained by Gagandeep were of gunshot wounds, with two bullets lodged in his body (one in the head and one in the back). Accordingly, a case under Section 307 IPC was registered, and the



investigation was initiated. During the investigation, it was revealed that co-accused Sumit, the ex-boyfriend of one Mohini, was envious of her relationship with the injured Gagandeep and had been stalking and threatening both of them. Further, Mohini, in her statement, stated that on 05.02.2020, she received a call from co-accused Sumit, who confessed that he along with his cousin Tushar @ Aniket (the present applicant), had fired upon Gagandeep and also threatened to kill her. On 06.02.2020, both co-accused Sumit and the applicant/accused were arrested at the instance of Mohini. On 11.02.2020, Gagandeep succumbed to his injuries at Safdarjung Hospital, whereafter Sections 302/34 IPC and 25/27/54/59 Arms Act were added.

3. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case. It is stated that the applicant is a 28-year-old boy with no previous criminal antecedents. It is argued that the applicant has already remained in judicial custody for 6 years. Further, it is argued that the only role assigned to the present applicant is that he was present at the place of the incident, though there is no eyewitness regarding the same, and the chargesheet against the applicant has been filed on the basis of circumstantial evidence. It is also contended that only 17 out of 37 prosecution witnesses have been examined before the Trial Court, and the trial is likely to take considerable time to conclude. Thus, it is prayed that the applicant be released on regular bail.

4. On the other hand, the learned APP for the State strongly opposes the present bail application and argues that the allegations against the applicant are serious and grave. It is contended that the applicant played an active role and is specifically alleged to have committed the offence of murder by use



of firearms, and the prosecution's case is supported by a strong *prima facie* chain of circumstantial, electronic, and scientific evidence, including motive, prior threats, recoveries, and FLS/ballistic material. It is also stated that the weapon of offence was recovered at the applicant's instance along with the co-accused, and the ballistic report also supports the prosecution's case. It is thus prayed that the present bail application be dismissed.

5. This Court has **heard** arguments addressed on behalf of the learned counsel for the applicant and the learned APP for the State, and has perused the material on record.

6. This Court notes that the material witnesses in the present case have already been examined. It is further observed that the applicant has remained in judicial custody for a period of six years, and his jail conduct over the past one year has been reported to be satisfactory.

7. It is also pertinent to note that the applicant has clean antecedents and has no prior involvement in any criminal case.

8. This Court further notes that the learned Trial Court was directed, *vide* order dated 08.05.2025, to expedite the trial and to ensure its conclusion within a period of seven months. However, despite the said direction, the trial has not been concluded till date. It is also noted that in February 2026, the learned Trial Court sought an extension of five months' time for concluding the trial.

9. Considering the overall facts and circumstances of the present case, including the period of custody already undergone by the applicant and the material witnesses have been examined, the absence of any criminal antecedents, and the fact that the trial is likely to take considerable time to conclude, this Court is inclined to grant regular bail to the applicant on his



furnishing personal bond in the sum of Rs.20,000/- 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 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**

**APRIL 08, 2026/vc**

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