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

+ **BAIL APPLN. 644/2026, CRL.M.A. 4924/2026**

ARUN @ MALIK

.....Applicant

Through: Mr. Akshat Kumar, Mr. Sheezan Hashmi, Mr. Shubham Raj Anand, Mr. Sarthak Jain and Mr. Adesh Kumar Chaudhary, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Raghuinder Verma, APP with Mr. Aditya Vikram Singh, Ms. Upasana Bakshi, Mr. Gourav Singh and Ms. Nikita, Advs. with SI Anoop Singh, with Complainant in person
Mr. Sarthak Karol, Standing Counsel (DHCLSC), Ms. Neelakshi Bhadauria, Mr. Shashank Sharma, Advs. for Father of deceased

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

12.05.2026

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1. By virtue of the present bail application under *Section 483* read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in connection with proceeding arising out of FIR No.666/2021 registered at PS.: Prem Nagar, Delhi under *Section 307* of the Indian Penal Code, 1860 (**IPC**).
2. *Broadly speaking*, as per prosecution, the present FIR came to be registered on the complaint of complainant Garima as per allegation that



on 08.10.2021, an altercation took place between the complainant and her brother Ankit on one side, and the present applicant and his mother on the other, over fetching of drinking water from the water connection of a neighbor. Thereafter, on the following day, the applicant came to the house of the complainant and started assaulting the brother of the complainant Ankit. During that time, when the complainant and her other brother Hariom intervened to recuse him, the applicant took out a knife and stabbed them and subsequently their mother.

3. *Eventually*, the present applicant was arrested on 10.10.2021 and the knife used in the commission of crime was recovered from his possession.

4. In these facts, learned senior counsel for applicant praying for enlargement of the applicant on regular bail submits that *[i]* the applicant is a person with clean antecedents; *[ii]* injury sustained by the complainant has been opined to be simple in nature, whereas the nature of injuries sustained by complainant's brother Hariom and their mother has not yet been conclusively ascertained; *[iii]* in any event if the nature of injury is determined as simple in nature, the applicant would have already undergone incarceration exceeding the maximum punishment prescribed for the offence alleged; *[iv]* FSL Report records that the DNA profiling could not be conducted; *[v]* the applicant was arrested on 10.10.2021 and has already undergone incarceration for about *four years six months*; *[vi]* out of thirteen prosecution witnesses, only seven witnesses have been examined till date and, therefore, it is very likely that conclusion of trial will take considerable time; and lastly *[vii]* the applicant has not been produced before the learned Trial Court for more than *eleven months*.



5. *Per contra*, learned APP for the State has handed over the Status Report which is taken on record. Relying thereupon, he opposed the grant of bail and submits that *[i]* the allegations against the applicant are serious in nature; *[ii]* the present case is not one of sudden provocation or a spur of the moment incident, but a brutal, deliberate and pre-planned attack allegedly carried out in retaliation to the dispute that had occurred a day earlier; and lastly *[iii]* the applicant's overall conduct throughout the period of incarceration has been '*Unsatisfactory*'.

6. The written synopsis handed over by learned counsel for the respondent no.2 is taken on record. In fact, he has made submissions supporting the case of the prosecution.

7. Heard learned counsel for the parties and perused the records.

8. Though this Court is mindful of the fact that the allegations against the applicant are serious in nature inasmuch as he has been alleged of stabbing the complainant, her brother and their mother with knife, however, at the same time not only has he been facing incarceration since more than *four years and six months* but he was not produced before the learned Trial Court for more than *eleven months*. Also, there is no dispute that the trial is still pending and, as per the status report, out of *thirteen* prosecution witnesses, only *seven* witnesses have been examined till date.

9. The aforesaid, *undisputedly*, indicates that the applicant's fundamental right to speedy trial guaranteed under *Article 21* of the Constitution of India has been adversely affected, which, though not the sole ground in all cases, but is/ can in itself be a relevant ground for releasing the applicant. Reference in this connection can be made to decision of Hon'ble Supreme Court *Union of India v. K.A. Najeeb*:



(2021) 3 SCC 713, Javed Gulam Nabi Shaikh v. State of Maharashtra : Crl.A.2787/2024 and much recently in ***Sahil Manoj Machare v. The State of Maharashtra***, order dated 04.05.2026 passed in SLP (Crl.) No. 7502/2026.

10. Even otherwise, on merits there is no dispute that the applicant is a person with clean antecedents as he is a first time offender. Moreover, as per Status Report, the injury sustained by the complainant has been opined to be simple in nature, whereas the nature of injuries sustained by the other injured persons has not yet been conclusively ascertained. The FSL report also records that DNA profiling could not be conducted successfully.

11. Accordingly, in view of the afore-going discussion, the present bail application is allowed and the applicant is released on regular bail in proceedings arising out of FIR No.666/2021 registered at PS.: Prem Nagar, Delhi under *Section 307 IPC*, upon him furnishing a personal bond in the sum of Rs.50,000/- [*Rupees Fifty Thousand Only*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the Jail Superintendent, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as per prison records. If he wishes to change his residential address, he shall immediately intimate about the same to the IO by way of an affidavit.
- ii. Applicant shall surrender his passport, if any, to the IO, within a period of *three days*.



- iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not be switch off or change the mobile number without prior intimation to the IO concerned. Mobile location be kept on at all times.
 - v. Applicant shall report to the IO at PS: Prem Nagar, Delhi once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
 - vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.
12. Needless to say, expression of view(s) on the merits involved, if any, are solely for the purposes of adjudication of the present bail application and shall have no bearing on the overall case/ trial involved.
13. Copy of this order be sent to the concerned Jail Superintendent for information and compliance.

SAURABH BANERJEE, J

MAY 12, 2026/So