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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 779/2026 &CRL.M.A. 5988/2026**

PREETAM @ SONU @ BIJLI

.....Petitioner

Through: Mr. Lakshay Yadav with Mr. Yashvir
Gulia, Mr. AbhishekGusain,
Mr. Harsh Jain, Mr. Gaurav Kumar
and Ms. Gayatri, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with Insp. Sunder Singh, PS
Pashchim, Vihar

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **09.04.2026**

1. Applicant seeks regular bail in a case arising out of FIR No.426/2017dated 20.11.2017, registered at P.S. Paschim Vihar,for commission of offence under Section 394/397/302/34 IPC and Section 27 of Arms Act, 1959.
2. As per prosecution story, Baijnath along with his uncle Jagannath (deceased herein) were going from Nikhil Gas Agency, Paschim Vihar to the house of their owner on a motorcycle. They were working in the abovesaid gas agency and were carrying a bag containing sale proceeds of Rs.3.5 lacs. *Enroute*, they were stopped by three persons and when accused persons attempted to rob the abovesaid bag, Jagannath, who resisted them, was shot. The abovesaid injury proved fatal as Jagannath, eventually, succumbed to such gunshot injury. The accused persons were, however, able to take away



the money bag.

3. Trial is underway.

4. There are around 55 witnesses, out of which 27 witnesses have already been examined. All the material public witnesses have already entered into witness box. It also submitted that as far as specific role of shooting is concerned, it is attributed to co-accused Sunil and even the firearm was recovered from the possession of co-accused Sunil.

5. The main *plea* coming from the side of the applicant is, however, to the effect that the applicant has already spent around 8 years behind the bars and since there is no likelihood of trial getting completed in near future, his fundamental right of having a speedy trial has already got frustrated. He places reliance upon *Sunil Bihari Alias Shakti Singh v. The State (NCT of Delhi)*, 2025:DHC:11035 where the accused therein, who too was facing murder trial, was granted bail by Coordinate Bench of this Court *vide* its judgment dated 08.12.2025 on account of prolonged incarceration, while observing as under:-

“23. Once the applicant undisputedly is in continuous incarceration since 08.06.2018 and once it is clear that the trial is not likely to be concluded in near future, the applicant cannot be denied benefit of bail on the sole criteria of his implication in previous FIRs and the fact that the accused was once declared proclaimed offender.

24. The Hon'ble Apex Court in the case of Union of India v. K.A. Najeeb: AIR 2021 SC 712 held that once it is obvious that a timely trial would not be possible, and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.

25. The investigation in the present case already stands concluded with the filing of chargesheet followed by framing of charges and the material witnesses have already been examined by the learned Trial Court.



26. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.”

6. Undoubtedly, the case at hand is of murder, and the gravity of the offence involved cannot be disregarded, but at the same time, the long incarceration period and the fact that there is no likelihood of trial getting completed in near future, this Court, in order to uphold the objective enshrined under Article 21 of the Constitution of India, in its true letter and spirit, finds no reason to disallow the bail. Reference be made to *Deepak Tiwari vs. State (NCT of Delhi)*: 2024 SCC OnLine Del 7810, *Praveen Rathore v. State of Rajasthan*: 2023 SCC OnLine SC 1268 and order dated 24.02.2026 in BAIL APPLN.3794/2024 titled *Saif Ali @ Saif Khan vs. State Govt. of NCT of Delhi*.

7. Resultantly, the applicant is hereby admitted to bail on his furnishing personal bond in a sum of Rs. 25,000/- with one surety of like amount, subject to the satisfaction of learned Trial Court/CJM/Duty Magistrate with following conditions:-

- (i) The applicant would provide his Mobile Number to the concerned I.O and would ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.
- (ii) The applicant shall not try to contact and influence any witness, directly or indirectly.

8. The application stands disposed of in aforesaid terms.

9. A copy of this order be sent to the concerned Court and also to the Jail



Superintendent for necessary information and compliance.

10. Pending application also stands disposed of.

MANOJ JAIN, J

APRIL 9, 2026/st/js



This is a digitally signed order.

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