



\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 791/2026 & CRL.M.A. 6092/2026**
SACHIN

.....Petitioner

Through: Mr. Pankaj Srivastav, Advocate
(through V.C.)

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for the
State with Insp. Neeraj Kr and Insp.
Satish Kr.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
30.04.2026

%

1. Applicant seeks regular bail in case FIR No. 63/2023 dated 30.03.2023, registered at P.S. Naraina, for commission of offence under Sections 302 of IPC. Subsequently, in the charge-sheet, offences under Sections 120B/34 of IPC & 25/27 of Arms Act were added.
2. It is contended that the applicant has been falsely implicated and has been in custody since the date of his arrest and nothing has happened in last around 2 ½ years as only one out of fifty cited witnesses has entered into witness box.
3. Learned counsel for the applicant submits that all the other co-accused are already on bail.
4. It is noticed that when bail application was filed by the main perpetrator and conspirator i.e. Renu Devi, she and her one co-accused-Sumit were enlarged on bail by this Court vide order dated 05.08.2025 and while

BAIL APPLN. 791/2026

1



enlarging them on bail, it was observed as under:-

“11. As per the status report, Kamal Thakur was declared brought dead at the hospital and an FIR was registered under Section 302 IPC. The postmortem report revealed that cause of death was cranio cerebral injury caused by gunshot injury on the head.

12. During investigation, Ravi Kumar, (son of the deceased) was interrogated and his statement under Section 161 Cr.P.C was recorded. In his statement, he expressed his suspicion on the applicant Renu Devi because she was having old rivalry with the deceased.

13. Applicant Renu was arrested by the police. On interrogation, she confessed her offence and disclosed that deceased Kamal Thakur had filed numerous complaints at police station, MCD and High Court for the demolition of the temple made by her, and therefore, she had hired Sachin, Rohit and Sumit Kumar through Bharat for killing Kamal Thakur.

14. The present case is based on circumstantial evidence inasmuch there is no ocular evidence available. Admittedly, gunshot injuries have been caused by Sachin. The CDR record does not show that Renu was in constant touch with any of the co-accused persons except Bharat.

15. Upon query of the Court, the learned APP under instructions from the IO fairly states that no such evidence is available on record except the disclosure statement of the applicant and the co-accused.

16. Similarly, there is no evidence on record to indicate that Sumit was riding the scooty on which Sachin was sitting as a pillion rider at the time of the incident. There is also no evidence of paying Rs. 50,000/- to the hired killers by Renu. Ravi Kumar who is witness of motive has since been examined. Thus there is no possibility of threatening or intimidating the witnesses.

17. The Supreme Court in the case of Sanjay Chandra Vs. CBI (2012) 1 SCC 40, held as follows:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in



custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances

23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson.”

18. Investigation is complete and charge sheet has already stands filed. Applicants are therefore not required for any investigation. Prosecution has cited as many as 42 witnesses. Lot of witnesses still remains to be examined, and therefore, the trial is not likely to conclude very soon. The nominal rolls of the applicants do not indicate any previous criminal antecedents.

19. Co-accused, namely, Saurabh Tyagi has since been enlarged on bail by this Court vide order dated 22.01.2025 passed in Bail Appln. No. 4694/2024. The applicants herein are in judicial custody since more than two years.”

5. Learned APP for the State submits that there is additional incriminating material against the present accused as weapon of offence has been recovered at his instance. He, however, in all fairness, admits that there is no eye witness of the actual occurrence of the offence and the other co-accused, including the applicant, were apprehended on the basis of the disclosure made by Renu.

6. Be that as it may, fact remains, that there is no likelihood of trial getting completed in near future as, so far, only one witness has been examined by the prosecution.

7. Applicant is stated to be of 22 years of age and as per the Nominal Roll also, the applicant is in custody for around three years and Nominal Roll does



not disclose his involvement in any other case.

8. Keeping in mind the overall facts and circumstances of the case, applicant is admitted to bail upon his furnishing a personal bond in a sum of Rs. 30,000/- with one surety of like amount each to the satisfaction of the learned trial court and subject to the following conditions:-

- (i) Applicant will not leave the country without prior permission of the Trial Court.
- (ii) Applicant shall provide his permanent address to the learned Trial Court, which will be verified by the concerned Investigation Officer (I.O.). Additionally, the Applicant shall intimate the said Court and to the I.O. by way of an affidavit regarding any change in residential address.
- (iii) Applicant shall appear before the Trial Court as and when the matter is taken up for hearing.
- (iv) Applicant shall provide his mobile number to the I.O. concerned, which shall be kept in working condition at all times and shall not switch off or change the mobile number, without prior intimation to the I.O. concerned.
- (v) Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses.
- (vi) The Applicant will not tamper with the evidence of the case.

9. The application is disposed of.

10. Pending application also stands disposed of.

11. A copy of this order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.



12. Nothing observed hereinabove shall be taken as final expression on the merits of the case.

MANOJ JAIN, J

APRIL 30, 2026/ss/pb