



\$~5

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

+ **BAIL APPLN. 711/2025**

KAMAL CHAUHAN

.....Petitioner

Through: Mr. Kaushal Jeet Kait and Ms.
Parimal Bhatia, Advocates.

versus

THE STATE (GOVT OF NCT DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for the State
along with Insp. Arun Kumar.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

18.03.2026

%

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 116/2019, registered at Police Station Prasad Nagar, Delhi for the commission of offences punishable under Sections 302/149/120B/34 of the Indian Penal Code, 1860 (hereafter 'IPC') and Sections 25/27 of the Arms Act, 1959.

2. Briefly stated, the facts of the present case are that the FIR was registered on the complaint of Rajender Kumar, who alleged that on 08.06.2019, the accused/applicant wrongfully intercepted his son, Mithun @ Mohit, and started threatening him. It is further alleged that the accused took out a pistol from the right side of his pants and fired 3-4 shots at the victim, out of which one bullet struck the chest of Mithun @ Mohit. Immediately thereafter, the injured was taken to BLK Hospital, where he was declared



“brought dead” by the attending doctors *vide* MLC No. 279/2019. The post-mortem examination was conducted, and the autopsy surgeon opined that the cause of death was shock and haemorrhage resulting from a penetrating firearm injury to the chest.

3. The learned counsel appearing for the applicant submits that the applicant has been in judicial custody for the last about five years and that material witnesses have already been examined before the learned Trial Court. It is contended that the prolonged period of incarceration is, by itself, a sufficient ground for grant of regular bail, particularly as the trial is likely to take time to conclude.

4. On the other hand, the learned APP for the State opposes the bail application, and states that the allegations against the applicant are grave and serious in nature. It is argued that the prosecution witnesses examined thus far have supported the prosecution case and that the FSL report also implicates the present accused/applicant. It is, therefore, prayed that the application be dismissed.

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

6. Upon consideration of the submissions and the material placed on record, this Court is of the opinion that the eye-witnesses examined in the present case have supported the prosecution version. The weapon of offence, i.e., the pistol allegedly used in the commission of the offence, was also recovered from the accused/applicant.

7. Further, the FSL report lends support to the prosecution case, as the DNA profile generated from the blood sample of the deceased matches with



the blood stains found on the clothes of the present accused/applicant.

8. While it is true that the applicant has undergone incarceration for a period of about five years, this Court at the same time notes that out of 37 witnesses, 20 witnesses have already been examined, and in view of the material available on record against the applicant, including the testimony of the prosecution witnesses and the supporting forensic evidence, which *prima facie* points towards the involvement of the accused/applicant in the commission of alleged offence, this Court is not inclined to grant regular bail to the applicant at this stage.

9. However, the learned Trial Court is requested to make all endeavours to conclude the trial within a period of one year from the date of receipt of this order, without granting any unnecessary adjournments to either party. It is clarified that in the event the trial is not concluded within the aforesaid period, the applicant shall be at liberty to file a fresh application for grant of bail before this Court.

10. The present bail application is accordingly dismissed, *albeit* with above directions.

11. It is, however, clarified that 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

MARCH 18, 2026/vc

TD