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

+ **BAIL APPLN. 959/2026**

SANDEEP

.....Petitioner

Through: Dr. L.S. Chaudhary, Dr. Ajay Chaudhary, Ms. Monika, Ms. Vinita, Mr. Bharat Chaudhary, Mr. Vishesh Kumar, Mr. Sahil Mudgal and Mr. Dushyant Chahar, Advocates

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Manoj Pant,. APP for the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

07.05.2026

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing No. 485/2023, registered at Police Station Kalyanpuri, Delhi, for the commission of offence punishable under Sections 304/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').
2. The State has handed over the status report to the Court today. A copy of the same is provided to the learned counsel for the applicant.
3. Briefly stated, the facts of the present case are that on 25.06.2023, information regarding the hospitalisation of injured Suraj at LBS Hospital, Khichripur, Delhi, was received at Police Station Kalyanpuri, pursuant to which IO had reached the said Hospital and collected the MLC, wherein the doctor had recorded the alleged history of physical assault by present



accused Sandeep and co-accused Jitender @ Jeetu at 18 Block, Kalyanpuri, as narrated by a relative of the victim/deceased. The victim/deceased was stated to be under the influence of alcohol and was thereafter referred to GTB Hospital for further treatment, where he was declared unfit for statement. Consequently, on the basis of the DD entry, MLC, and surrounding circumstances, FIR No. 485/2023 under Sections 308/34 of IPC came to be registered at PS Kalyanpuri.

4. During the course of investigation, the statement of alleged eyewitness Ravi, brother of the injured, was recorded under Section 161 of Cr.P.C, wherein he alleged that during a quarrel, applicant Sandeep had struck Suraj on the head with a television set, and caused grievous injuries. The Crime Team had inspected the spot, and the broken television allegedly used in the commission of the offence was seized and deposited in the *malkhana*. Thereafter, applicant Sandeep surrendered before the concerned Court on 01.07.2023 and was formally arrested.

5. Subsequently, on 02.07.2023, the injured/victim Suraj had passed away during treatment at GTB Hospital, pursuant to which Section 304 of IPC was substituted in place of Section 308 of IPC.

6. The learned counsel appearing for the applicant argues that the applicant has been in judicial custody since 01.07.2023. It is contended that, out of 23 prosecution witnesses, only 11 witnesses have been examined, and the trial is likely to take considerable time to conclude. The learned counsel further argues that the co-accused has already been granted bail and, therefore, on the ground of parity, the present applicant is also entitled to be enlarged on bail. It is further contended that the FSL report pertaining to the alleged weapon of offence is still awaited. Accordingly, it is prayed that the



applicant be granted regular bail.

7. Per contra, the learned APP for the State opposes the present bail application and argues that the offence allegedly committed by the applicant/accused is serious in nature. It is contended that two bail applications filed by the applicant have already been dismissed by the learned Sessions Court. The learned APP further argues that 12 prosecution witnesses are yet to be examined, and the matter is presently at the stage of prosecution evidence. Accordingly, it is prayed that the present bail application be dismissed.

8. This Court has **heard** arguments addressed by the learned counsel appearing for the applicant and the learned APP for the State, and has perused the material available on record.

9. This Court notes that the case was initially registered for an offence punishable under Section 308/34 of IPC. However, later, since the victim had passed away, offence under Sections 304/34 of IPC was added. The accused has been in judicial custody since 01.07.2023, i.e., for about three years.

10. It is also a matter of record that the co-accused has already been enlarged on bail. It is further noted that, out of 23 prosecution witnesses, 12 witnesses are yet to be examined and, therefore, the trial is likely to take a considerable period of time to conclude. In such circumstances, the continued incarceration of the applicant would serve no fruitful purpose.

11. The FSL report is also yet to be received regarding the alleged weapon of offence used in the commission of the offence.

12. Therefore, considering the overall facts and circumstances of the present case, this Court is inclined to grant bail to the applicant on his



furnishing a personal bond in the sum of ₹15,000/- with one surety of the like amount, subject to the satisfaction of the learned 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 the applicant has a passport, he shall surrender the same to the concerned Trial Court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
- iv) 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.

13. Accordingly, the present bail application stands allowed and is disposed of.

14. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

15. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 07, 2026/ns/TD