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

+ **BAIL APPLN. 960/2026**

SUNIL KUMAR

.....Applicant

Through: Mr. Divyendu Sorayan and Mr.
Anil Sharma, Adv.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Satish Kumar APP for State
with Mr. Dinesh Kr., Ms. Upasna
Bakshi and Ms. Divya Bakshi,
Adv.

Insp. Ritesh Raj, SI- Abhishek
Singh, PS: Wazirabad

Mr. Prashant Prabhakar, Adv. for
R-2

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

04.05.2026

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1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 the applicant seeks grant of regular bail in proceedings arising out of FIR No.78/2023 dated 20.01.2023 registered at PS: Wazirabad under *Sections 302/325/201/147/149/201/34* of the Indian Penal Code, 1860 (**IPC**).

2. *Succinctly put*, as per prosecution the aforesaid FIR was registered on receipt of information on 20.01.2023 regarding a quarrel between the families of the complainant and the applicant (paternal uncle/ *chacha* of the complainant), who were already embroiled in a dispute regarding a plot of land in Sant Nagar, Burari, Delhi, and wherein the maternal uncle/ *mama* of the complainant had been inflicted with serious injuries at the



hands of the applicant who had hit him on his head several times with bricks, as well as his wife and sons who had used a helmet and a bat, whereafter he was rushed to the Trauma Centre, Civil Lines. The applicant was accordingly arrested by the Police on 21.02.2023 alongwith other accused persons. Meanwhile, the *mama* of the complainant succumbed to his injuries on 03.02.2023.

3. In these facts, learned counsel for the applicant prays for grant of regular bail to the applicant primarily on the ground that the applicant has been languishing in jail for over last *three years*, and during the course of trial, most public/ eye-witnesses have already been examined and discharged. He further submits that the co-accused persons being the wife of the applicant as well as one Rajneesh Bisht have already been granted regular bail. He lastly submits that the applicant is a patient of chronic hypertension, diabetes mellitus as well as age-related medical complications, as also when he was earlier granted interim bail on medical grounds, he abided by all conditions imposed by the learned Trial Court as well as surrendered on time, and as such, there is no fetter to his being enlarged on regular bail.

4. Learned APP for the State has handed over a copy of Status Report in compliance of the earlier order, which is taken on record. Based thereon, he opposes the present application on the ground that the applicant played an active and central role in the commission of the offence, which is fully corroborated by the CCTV footages recovered, wherein he is seen manhandling the complainant and his family members and picking up and throwing bricks/ stones lying nearby towards them. Even the son of the applicant is seen hitting the deceased repeatedly on his



head with a bat, whom the applicant did not attempt to stop. This shows a clear premeditation and common intention for causing grave injuries, which ultimately led to the death. He, thus, submits that seeing the strong involvement of applicant in the entirety of the grave and heinous act, no case is made out for enlarging him on regular bail when the trial is still at a nascent stage and all the eye-witnesses have not yet been examined.

5. Supplementing the arguments of learned APP, learned counsel for the complainant also opposes the present application in view of the brutal injuries caused by the applicant and his family, and also since as per the complainant, the applicant had previously extended death threats to him and his family *qua* the very same land dispute which led to the present case, and thus, there is every possibility of witness intimidation and evidence tampering if he is granted bail.

6. Heard.

7. The present case involves offences of a serious nature whereby the death of an individual has been caused due to repeated beatings inflicted by a group of people together with a pre-meditated intention. In this, the specific role attributed to the applicant amongst others also takes primacy, since he is not only present therein from the beginning till the end, but he is also an active perpetrator and not a passive bystander, which is *prima facie* supported by the CCTV footages. It is also relevant that some eye-witnesses are still remaining to be examined, and considering the proximity of the applicant to the family of the complainant, being related *inter se* themselves as also having a history of enmity and previous threats, the possibility of his engaging in further threatening, intimidating and/ or criminal activity cannot be ruled out.



8. Moreover, though the applicant has sought to rely upon the grant of bail to his wife as well as the aforesaid Rajneesh Bisht, it is evident from the record that both of them stood of a much different footing than the applicant herein. In fact, the wife of the applicant was granted bail due to her medical condition, and the aforesaid Rajneesh Bisht was seen in the CCTV footage as merely slapping the deceased and not doing anything else. As such, the same does not merit any further consideration by this Court. Though the applicant herein has also contended about his medical complications, however, there is no iota of proof therefor.

9. In view of the afore-going and keeping in mind the well-settled consideration *qua* regular bail [***Manik Madhukar Sarve & Ors. vs. Vitthal Damuji Meher & Ors.:(2024) 10 SCC 753; Zeba Khan vs. State of U.P. & Ors.:2026 INSC 144***], this Court does not see any reasons for granting the applicant regular bail at this stage.

10. Accordingly, the present application is dismissed.

11. Needless to say, the expression of opinion(s) hereinabove, if any, is solely for the purposes of adjudicating the present application, and shall have no bearing on the trial involved.

SAURABH BANERJEE, J

MAY 4, 2026/So