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

+ **BAIL APPLN. 982/2026**

BHAGIRATH PAL @ RANU

..... Applicant

Through: Mr. Arun Sharma, Adv. (Through
VC)

Versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with Ms. Vanshika Singh and
Mr. Apoorva Khosla and Mr.
Aditya Vikram Singh, Advs.
Mr. Sarthak Karol, Adv. DHCLSC
for R-2/complainant

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

05.05.2026

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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.92/2023 dated 25.02.2023 registered at PS: Laxmi Nagar under *Sections 302/307/395/396/397/120B/34* of the Indian Penal Code, 1860 (**IPC**) and *Sections 25/27* of the Arms Act, 1959 (**AA**).

2. *Succinctly put*, as per prosecution, the FIR was registered at the instance of the complainant who lives on rent in a flat in Laxmi Nagar, where around 6:15 PM on 24.02.2023 during the presence of the complainant and his friends, one person namely Dhruv arrived at their door. Then in the middle of their interaction, about 3-4 men forcibly

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entered into the flat, one of whom Himanshu wielded a knife and a pistol and demanded from the complainant and his friends to handover all their belongings including their purses, mobile phones, etc., whereafter certain more men also entered the flat. At that time, one of the complainant's friends namely Sunil denied handing over his belongings, at which, Himanshu and his associates started attacking Sunil, and took him to one of the bedrooms to beat him up. In fact, Himanshu stabbed the leg of Sunil with the knife. The complainant was also attacked with the knife on his arms and legs. After beating Sunil for a substantial amount of time, the accused persons left the flat and took the belongings of the complainant and his friends with them. Sunil was rushed to Hedgewar Hospital, where he was declared brought dead. During the course of investigation, the applicant was arrested on 25.02.2023.

3. Under these circumstances, learned counsel for applicant primarily submits that the applicant has been falsely implicated in the present case, which is evident since the eye-witnesses including the complainant have not supported the case of the prosecution and material changes have also been made in their statements. He further submits that the other accused persons who are similarly placed as the applicant herein and are even named in the FIR, as also were identified by the PW-5/ roommate of the complainant, have also been released on bail. The learned counsel, in fact, submits that as per the own statement of PW-5, he was not even present at the site of the alleged offence during the pertinent time, and as such, any identification by him cannot be considered. The learned counsel then submits that the alleged recoveries have been planted. He lastly submits that since the applicant has already been under incarceration for over a



period of *three years*, and all eye-witnesses have been examined, however, since about *50 other witnesses* are remaining to be examined, the trial is likely to take a long time, as such, he seeks release of the applicant on regular bail.

4. Status Report handed over in Court by learned APP for State and written synopsis by learned counsel for respondent no.2 are taken on record.

5. Learned APP, on the other hand, submits that heinous offences of dacoity and murder are involved, and wherein the applicant has an active involvement since one country-made pistol along with *five* live cartridges, one blood-stained knife and clothes, on which the blood stains are matching with the blood recovered from the spot as per DNA analysis were recovered at his instance. The applicant has been identified by the complainant and the eye-witnesses during investigation, and has also been identified by PW-5 during testimony, as also can be seen in the CCTV cameras around the place of the offence. Lastly, the applicant has prior involvement in two other offences involving grave offences, and as such, there is apprehension of the applicant engaging in witness intimidation/ evidence tampering, if granted bail.

6. Supplementing the arguments addressed by learned APP, learned counsel for complainant submits that there is enough evidence so far to corroborate the involvement of the applicant. He further submits that the witnesses have been turning hostile due to his influence from inside the jail and there is every likelihood of the trial being compromised, if the applicant is released on bail.

7. Heard and perused the documents on record.



8. Though the applicant is alleged to be involved in the incident, however, there is no direct role assigned to him, and he is not named in the FIR as well. The (disputed) recoveries made from the applicant also are not leading to any direct allegations against him. PW5 who has identified the applicant is, *admittedly* as per the charge sheet, not an eye-witness.

9. On facts, it is undisputed that the applicant has been facing incarceration for a period of over *three years*, and most of the public witnesses have already been examined, though a huge number of prosecution witnesses are still remaining to be examined, hence, the trial is likely to take time. The same is not disputed by the learned APP as well.

10. Lastly, as held by the Hon'ble Supreme Court in *Ayub Khan vs. State of Rajasthan:2024 SCC OnLine SC 3763* and reiterated in *Abhimanue vs. State of Kerala:2025 INSC 1136*, merely because the applicant is having two prior antecedents, the same coupled with the above are not sufficient to deny bail to the applicant.

11. Accordingly, the present application is allowed and the applicant be released on regular bail in proceedings arising out of FIR No.92/2023 dated 25.02.2023 registered at PS: Laxmi Nagar under *Sections 302/307/395/396/397/120B/34 IPC* and *Sections 25/27 AA*, subject to him furnishing a personal bond in the sum of *Rs.50,000/- [Rupees Fifty Thousand Only]* along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the Jail Superintendent, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as



per prison records. If he wishes to change his residential address, he shall immediately intimate about the same to the IO by way of an affidavit.

ii. Applicant shall surrender his Passport, if any, to the IO, within a period of three days.

iii. Applicant shall appear before the learned Trial Court if, as and when called for.

iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times.

v. Applicant shall report to the IO at PS: Laxmi Nagar once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.

vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

12. The present application is disposed of in the aforesaid terms.

13. A copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.

14. Needless to say, any expression of view(s) on merits, if any, is solely for the purposes of adjudication of the present application and shall have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J.

MAY 05, 2026/Ab