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

+ **BAIL APPLN. 1083/2026 & CRL.M.A. 8142/2026**

RAJESH JHA

.....Petitioner

Through: **Mr. Ajay Verma with Ms. Smriti S.
Nair and Ms. Sneha Sejwal, Advs.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Ms. Priyanka Dalal, APP for the State
with Insp. Chetan Singh, PS Khyala.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **18.03.2026**

1. Applicant seeks regular bail in an on-going murder case in case FIR No. 236/2016 dated 20.05.2016 registered at PS Khyala, for commission of offence under Section 341/324/452/34 IPC.
2. The applicant was arrested way back on 21.05.2016 and is in continuous incarceration, except for the brief intervening period when he was released on interim bail.
3. As per prosecution's story, Udey Kumar (co-accused) used to run a general store in the neighbourhood of the complainant and some unruly elements used to gather frequently at his shop. The family of the complainant objected to such gathering of bad elements which resulted in quarrel and, eventually, on the fateful day i.e. on 19.05.2016, the complainant and her family were assaulted by five accused persons, including the applicant herein. The applicant had caught hold of Deepak, brother of complainant-Sonia, while his co-accused Raju @ Kabadi stabbed him with a knife. In order to save himself from the abovesaid assault, when Deepak rushed inside his house, he was chased by the accused and was

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further assaulted. Deepak, eventually, succumbed to such injuries and, thereafter, offence under Section 302 IPC was added.

4. Learned counsel for the applicant submits that though all the material public witnesses, including eye-witnesses, have been examined, there is no likelihood of trial getting completed in near future as 13 witnesses are yet to be examined. He submits that the next date before the learned Trial Court is 29.04.2026. Bail is being primarily sought as there is violation of invaluable right of speedy trial, as envisaged under Article 21 of Constitution of India. He also submits that there are material contradictions between the testimony of two material eye witnesses i.e. PW-9 and PW-11 and, moreover, during the investigation stage itself DVR containing CCTV Footage from the camera installed near the spot was seized and DVR was sent to FSL, Rohini but it is not clear whether any report was ever received and, therefore, the best evidence seems to have been held back.

5. Earlier also, the applicant had filed bail application before this Court and his such bail application was dismissed by this Court on 11.09.2025 and, at that time also, the applicant had contended that the trial was a long and protracted one and such indefinite pre-trial detention was violative of his fundamental right to a speedy trial. One of the other contentions taken by the applicant was also to the effect that he was not the actual author of the blow in question and the only role ascribed to him was that he had caught hold of the deceased and, according to prosecution, therefore, he was sharing common intention with the co-accused.

6. Fact, however, remains that keeping in mind the gravity of the matter, and the fact that the eye-witnesses had also supported the case of prosecution, it was observed that the right to personal liberty was not



absolute and was required to be balanced against societal interest. Such order was challenged before Hon'ble Supreme Court, and *vide* order dated 17.10.2025 in SLP(Crl.) No.16415/2025, upon which the applicant predominantly relies, though, the Hon'ble Supreme Court declined to interfere with the abovesaid order, but keeping in mind the custody period of the applicant, it observed that since he had already completed over six years and eight months in prison, the Trial Court would expedite the trial and would make best endeavour to conclude the same within three months. It was also supplemented that, in case, the trial was not completed within the abovesaid period of three months, the petitioner would be at liberty to move application afresh seeking bail before the learned Trial Court. It is submitted that the abovesaid order is of 17.10.2025 and, as is obvious from what has been noted above, 13 prosecution witnesses are yet to grace the witness box.

7. Before approaching this Court, the applicant had filed an application seeking bail before the learned Trial Court but same did not find favour, as would be evident from order dated 23.02.2026.

8. Learned Addl. P.P. appears on advance notice. Investigating Officer is also present to assist him. It is submitted that every effort is being made to conclude the trial as expeditiously as possible and, keeping in mind the gravity of the matter, no indulgence should be given to applicant.

9. However, keeping in mind the inordinate period of incarceration and the fact that trial was not over despite there being specific observation to the abovesaid effect by the Apex Court, the Nominal Roll was directed to be placed today itself.

10. The same has been placed on record by learned Addl. P.P. for the



State. A copy thereof be supplied to opposite side.

11. Perusal of the Nominal Roll would indicate that the actual incarceration period of the applicant is 7 years 1 month and 28 days and it does not indicate any involvement of the applicant in any other case. The applicant at the time of his arrest was 26 years old. The Nominal Roll also indicates that his overall jail conduct during incarceration period remained 'satisfactory'.

12. Undoubtedly, the case at hand is of murder, and the gravity of the offence involved cannot be disregarded, but at the same time, the long incarceration period and the fact that the trial has not been completed, despite the specific directions given by the Hon'ble Supreme Court, and there is no likelihood of it getting completed in near future, this Court, in order to uphold the objective enshrined under Article 21 of the Constitution of India, in its true letter and spirit, finds no reason to disallow the bail. Reference be made to *Deepak Tiwari vs. State (NCT of Delhi)*: 2024 SCC OnLine Del 7810, *Praveen Rathore v. State of Rajasthan*: 2023 SCC OnLine SC 1268 and order dated 24.02.2026 in BAIL APPLN.3794/2024 titled *Saif Ali @ Saif Khan vs. State Govt. of NCT of Delhi*.

13. Accordingly, the applicant is directed to be released on bail on his furnishing personal bond in a sum of Rs. 25,000/- with one surety of like amount, subject to the satisfaction of learned Trial Court/CMM/Duty Magistrate with the following conditions:-

- (i) The applicant would provide his Mobile Number to the concerned I.O and would ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.



- (ii) The applicant would not try to come in contact of public witnesses, directly or indirectly.
- (iii) Applicant would report to concerned SHO/IO, first Sunday of every month at 11:00 A.M., till trial is over.
14. The application stands disposed of in aforesaid terms.
15. Pending application also stands disposed of.
16. A copy of this order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.
17. Copy of the order be given *dasti* under signatures of Court Master.

MANOJ JAIN, J

MARCH 18, 2026st/pb



This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

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