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

% ***Date of Decision: 29th October, 2026***

\# **CNR No. DLHC010133122026**

\+ BAIL APPLN. 1296/2026

PRAVEEN .....Petitioner

Through: Ms. Vrinda Bhandari, Adv. (DHCLSC) with Ms. Nitya Jain, Adv.

versus

STATE NCT OF DELHI & ANR. .....Respondents

Through: Mr. Ajay Vikram Singh, APP
M: 9868632122
Ms. Jagrati Singh, Mr. Rajpal, Mr. Vijay Dagar, Mr. Surendar Kumar, Mr. Omprakash and Mr. Yuvan Bhatnagar, Advs. for R-2
SI Sachin, PS BHD Nagar

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral):*

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), on behalf of the petitioner, namely, Mr. Praveen, S/o Mr. Mamman, seeking grant of regular bail in connection with the First Information Report ("FIR") being *FIR No. 450/2022* dated 29th August, 2022, registered under Section 302 of the Indian Penal Code, 1860 ("IPC"), at Police Station ("PS") Baba Haridas Nagar.

2. Subsequently, upon completion of the investigation, a Chargesheet

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came to be filed under Sections 302/34 of the IPC and Sections 25/27 of the Arms Act, 1959 ("Arms Act").

3. This Court is informed that the petitioner had earlier preferred a petition for regular bail before the Additional Sessions Judge ("ASJ")-05, South West District, Dwarka, Delhi, which came to be dismissed *vide* order dated 17th January, 2026.

4. The case being *SC 975/2022*, instituted in respect of *FIR No. 450/2022* is pending adjudication before the ASJ-05, South West District, Dwarka Court, Delhi, and is currently at the stage of prosecution evidence.

5. The case of the prosecution, as emerging from the material on record, is as follows:

5.1. On 28th August, 2022, information *vide DD No. 23A* was received that the deceased victim had been shot with a gun. Thereafter, the police officials reached the spot that was near a farm of *Rampat, Kaladeri Road*.

5.2. On arriving at the spot, a dead body was found lying in a pool of blood with a gun-shot mark on the forehead. The body of the deceased was identified as one Mr. Azad Singh.

5.3. During the investigation, two eye-witnesses, namely, Mr. Naveen Dagar and Mr. Anoop Dagar, were examined who stated that Mr. Naveen caught hold of the deceased victim and Mr. Praveen shot him with a country made pistol, after which, he fled away from the spot.

5.4. The accused, i.e., Mr. Naveen and Mr. Praveen were arrested on 29th August, 2022.

6. Learned counsel appearing for the petitioner submits that there are 43 prosecution witnesses out which 19 witnesses have already been examined.

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7. She submits that the present matter was being adjourned only on the ground that the two witnesses, i.e., Mr. Naveen Dagar and Mr. Anoop Dagar, who are the eye witnesses were yet to be examined. Today, she informs the Court that the said two witnesses have not been examined till date.

8. She further submits that the petitioner has already spent more than four years in jail.

9. In this regard, attention of this Court has been drawn to the Nominal Roll dated 16th April, 2026, furnished by the Jail Authorities, which shows that the petitioner has spent a total custody period of 03 years 07 months and 15 days in jail, i.e., from 30th August, 2022, to 14th April, 2026.

10. Learned counsel appearing for the petitioner further submits that the Chargesheet in the present matter was filed way back in the year 2022 and the trial commenced in the year 2022.

11. However, the present petition is vehemently opposed by the learned Additional Public Prosecutor ("APP") for the State.

12. He submits that two eye-witnesses are yet to be examined.

13. He further submits that the present case involves allegations of a grave and heinous offence under Section 302 of the IPC, being a murder committed in broad daylight, which is punishable with a maximum sentence of death or imprisonment for life.

14. Learned counsel appearing for the Legal Representatives ("LRs") of the deceased also opposes the present petition.

15. This Court takes note of the Status Report dated 12th April, 2026, filed by the Station House Officer ("SHO"), whereby, it has been stated that the weapon of offence, i.e., a *desi katta* (Pistol) and an empty cartridge was

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recovered at the instance of the petitioner and taken into police possession through a seizure memo.

16. It is further noted that the two eye-witnesses, present at the spot of the incidence are yet to be examined. In this regard, this Court is informed that the next date before the Trial Court is 14th November, 2026.

17. In view of the gravity of the offence and the *prima facie* involvement of the petitioner, as made out on the record, the mere fact that the trial is still continuing cannot, by itself, be a ground for the grant of bail, especially where the allegations against the petitioner are serious.

18. In this regard, reference may be made to the observations made by the Supreme Court in the order dated 27th November, 2024, titled as ***X Versus State of Rajasthan & Anr.***, in ***SLP (Crl) 13378/2024***, wherein, it was stated that ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

19. Further, in the case of ***State of Karnataka Versus Sri Darshan and Others, (2026) 8 SCC 223***, the Supreme Court laid down the following considerations that are relevant when exercising discretion to grant or deny bail:

> *"xxx xxx xxx*
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> ***29.2.*** *In Prahlad Singh Bhati v. State (NCT of Delhi) [Prahlad Singh Bhati v. State (NCT of Delhi), (2001) 4 SCC 280: 2001 SCC (Cri) 674], this Court laid down guiding principles:*
>
> ***"(a) <u>While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails conviction and the nature of evidence in support of the accusations</u>.***

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(b) <u>Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.</u>

<u>(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge</u>.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."

xxx xxx xxx

35.1. <u>It is well settled that the mere filing of a charge-sheet does not confer an indefeasible right to bail. Likewise, the mere prospect of a prolonged trial cannot, by itself, outweigh the gravity of the offence, the incriminating material gathered during investigation, or the likelihood of tampering with witnesses</u>.

35.2. *In Kalyan Chandra Sarkar v. Rajesh Ranjan [Kalyan Chandra Sarkar v. Rajesh Ranjan, (2005) 2 SCC 42: 2005 SCC (Cri) 489], this Court categorically held that: (SCC p. 48, para 8)*

"8. ... the High Court could not have allowed the bail application on the sole ground of delay in the conclusion of the trial without taking into consideration the allegation made by the prosecution in regard to the existence of prima facie case, gravity of offence, and the allegation of tampering with the witness by threat and inducement when on bail. ... non-consideration of the same and grant of bail solely on the ground of long incarceration vitiated the order..."

xxx xxx xxx"

(Emphasis Supplied)

20. Thus, considering the nature of the crime, the recovery of the weapon of offence at the instance of the petitioner, and the fact that the eye-

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witnesses are yet to be examined, this Court does not find this to be a fit case for the grant of bail.

21. It is clarified that what has been observed in this order are just *prima facie* observations and shall not be considered as an expression of any final opinion as regards the guilt or innocence of the petitioner.

22. Accordingly, the present petition is dismissed.

MINI PUSHKARNA, J

OCTOBER 29, 2026/KR

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