



2026:DHC:4416



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

% *Date of Decision: 18.05.2026*

+ **BAIL APPLN. 1940/2026 & CRL.M.A. 15764/2026**

BABU LAL

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Harish Chand,
Mr. Anant Chittoria and Mr. Harsh
Kumar, Advocates

versus

STATE (N.C.T.OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Inspector Amul Tyagi and SI
Lokesh Kumar

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.407/2021 of Police Station Govindpuri for offence under Section 302/34 IPC.
2. Broadly speaking, the allegation against the accused/applicant is that he stabbed one Hari Kishan to death. On 25.06.2021 at about 07:30pm, an information was received at the police station about the alleged stabbing, which information was recorded as GD No. 81A and assigned to the IO/SI Om Prakash who reached the spot and was informed by Rakhi, niece of the injured person that somebody had inflicted multiple stab blows and the injured had been shifted to hospital by brother of the injured. The injured

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was declared dead in the hospital and on the next day, wife and brother of the deceased made their statement to the Investigating Officer, alleging that before taking his last breath the deceased had told them having been stabbed by the present accused/applicant and co-accused Ashu.

3. Against the above backdrop, learned counsel for accused/applicant submits that since the wife and the brother of the deceased did not make their statement to the Investigating Officer on the same day, their statement cannot be believed. It is also contended that there is no motive established, for which the accused/applicant would kill the deceased. It is submitted by learned counsel for accused/applicant that he is in jail since 26.06.2021 and till date, only 12 out of 28 prosecution witnesses have been examined.

4. On the other hand, learned APP for State, assisted by IO/SI Amul Tyagi, strongly opposes bail application on the ground that the murder case is based on two dying declarations of the deceased, out of which one was made by him to his wife and the other to his brother, both of whom have supported prosecution so this is not a fit case to grant bail. As regards motive, it is contended that there was property disputes between wife of the deceased and the co-accused Ashu, so the present accused/applicant being a friend of Ashu committed the alleged offence. As regards delay in trial, learned APP for State submits that they have already moved an application before the trial court for permission to drop formal witnesses.



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5. Admittedly, wife and brother of the deceased have supported prosecution case in their testimony before the trial court. Those testimonies pertain to the alleged dying declarations made by the deceased to them after he was stabbed and was being shifted to hospital. Merely because wife and brother of the deceased did not get their statement recorded on the day of alleged occurrence itself cannot be given undue importance. For, the alleged stabbing took place in the late evening and in such situation, whole attention of the near and dear ones of the injured is to save his life, and subsequent to his death, they reasonably need time to gain senses during grief period. Of course, these observations shall not be read to the prejudice of either side at the stage of final arguments in trial and at that stage, the trial court shall take a view independent of the above observations pertaining to the alleged dying declarations.

6. Considering the overall circumstances as described above, I do not consider it a fit case at this stage to grant bail. The bail application and the accompanying application are dismissed.

7. However, learned trial court is requested to expedite the trial and for that purpose, both sides are directed not to seek unnecessary adjournments. Copy of this order be sent to the concerned Jail Superintendent for being informed to the accused/applicant.

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(JUDGE)

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