



2026:DHC:2612



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

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Date of Decision: 28.03.2026+ **BAIL APPLN. 1540/2025**

AMIT

.....Petitioner

Through: Mr. Pankaj Jain, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with Inspector Haroon Ahmad and SI
K.P. Singh.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 796/2023 of Police Station New Ashok Nagar for offence under Section 307/435/324/34 of the IPC.

1.1 This bail application came up for the first hearing on 23.04.2025 before the predecessor bench and thereafter continued getting adjourned before different benches. Along with 179 such old pending bail applications, this application also was transferred to this bench.

1.2 Today is the first hearing before me. I have heard learned counsel for accused/applicant as well as learned APP for State assisted by IO/SI K.P. Singh.

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2. Broadly speaking, the allegation against the accused/applicant, as deposed by PW1 Pravesh (*injured*) is that the present accused/applicant and co-accused Shivam caught hold of Pravesh while the co-accused Pawan inflicted stab injury on face of Pravesh with a paper cutter.

3. Learned counsel for accused/applicant submits that the accused/applicant is in custody since 14.11.2023 and the trial is getting delayed on account of failure of prosecution to examine their witnesses. It is also submitted that two of the alleged eye witnesses have not supported prosecution case during trial.

4. Learned APP for State opposes the bail application on the ground that PW1 Pravesh is yet to be cross examined. However, learned APP for State, in all fairness, also submits that two more alleged eye witnesses have turned hostile and have not supported prosecution case.

5. PW1 Pravesh was chief-examined on 10.12.2024 and thereafter, his testimony remains pending till date. No reason has been advanced for failure to get the testimony of PW1 completed expeditiously. Rather, after part chief-examination of PW1 Pravesh, prosecution tendered before the trial court the other witnesses for their testimony. The accused/applicant cannot be kept in jail endlessly, just awaiting conclusion of testimony of PW1 Pravesh. Anxiety of prosecution can be taken care of by directing the accused/applicant not to get in touch with Pravesh in any manner whatsoever.

6. Considering the above circumstances, the bail application is allowed

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and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

7. The accused/applicant shall not contact any witness of prosecution in any manner whatsoever.

8. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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**GIRISH KATHPALIA
(JUDGE)**

MARCH 28, 2026/as