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

\# **CNR No. DLHC010267172026**

\+ BAIL APPLN. 2355/2026 & CRL.M.A. 18332/2026

ASHOK .....Petitioner

Through: Mr. Aakash Godara, Advocate.

versus

STATE NCT OF DELHI AND ANR .....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for the State with Mr. Narendra Kumar, Advocate with Insp. Dinesh Kumar Meena, PS Dwarka North.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 19.11.2026

1. The Applicant, Ashok @ Sonu @ Surender, seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with FIR No. 821/2015, registered at P.S. Dwarka North, Delhi, for offences under Sections 302/34[1] of the Indian Penal Code, 1860 and Sections 25/27/54/59 of the Arms Act, 1959. The Applicant has been in custody for over ten years, while the trial, arising from an incident of October 2015, remains at the stage of prosecution evidence.

2. The prosecution case concerns the murder of Ravinder @ Rabbu, who sustained fatal gunshot injuries inside his car near Old Palam Road, Kakrola, during the intervening night of 7th and 8th October, 2015. The prosecution

[1] "IPC"

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alleges that the deceased had a property dispute with Ravinder @ Bholu and Pradeep Solanki, who had allegedly threatened him in connection with the dispute. The Applicant was formally arrested in the present case on 19th January, 2016, and is alleged to have participated in the shooting along with the co-accused persons.

3. Mr. Aakash Godara, Counsel for the Applicant, questions the material connecting him with the occurrence. He submits that the CCTV footage does not establish the Applicant's identity, as the face of the person depicted is not visible. He also refers to the non-production of footage from a camera allegedly installed at the deceased's family residence. It is argued that the deceased, while speaking to his wife shortly before the incident, did not name the Applicant. The reliability of the alleged eyewitness, Jitender Malik @ Bhola, is also questioned, particularly in light of his conduct upon witnessing the incident. It is contended that, upon hearing the gunshots, he shouted and ran back towards the house out of fear. Counsel further submits that the Applicant was not named in the FIR, no incriminating recovery was effected from him, and statements recorded by the police cannot constitute substantive evidence against him.

4. The principal submission, however, concerns the prolonged trial. Counsel points out that the Applicant has undergone more than ten years of incarceration and that, despite the examination of the material public witnesses, the remaining prosecution evidence has progressed slowly. Reliance is placed on the right to a speedy trial under Article 21 of the Constitution. It is also submitted that the Applicant was released on interim bail on earlier occasions, complied with the conditions imposed and surrendered upon expiry of the permitted periods.

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5. Mr. Yudhvir Singh Chauhan, APP for the State, opposes the application. He submits that the prosecution evidence includes the identification of the Applicant by an eyewitness during trial, notwithstanding his earlier refusal to participate in the Test Identification Parade. The State also relies upon CCTV footage of the incident. Attention is drawn to the Applicant's criminal antecedents, his unsatisfactory overall jail conduct and the apprehension expressed by the deceased's family regarding their safety. According to the State, these circumstances raise serious concerns about the consequences of releasing the Applicant during the pendency of the trial.

6. The procedural history may first be noted. The Applicant's earlier bail application before this Court, BAIL APPLN. 4640/2025, was dismissed in default on 2nd December, 2025. His subsequent application, BAIL APPLN. 4760/2025, was dismissed as withdrawn on 16th March, 2026, with liberty to approach the Sessions Court after recording the material witnesses' evidence. The Court also permitted him to seek expedition of the trial. Thereafter, the Sessions Court dismissed his application for regular bail on 21st May, 2026. Neither of the earlier orders of this Court involved an adjudication on the merits of his entitlement to regular bail. The present application must therefore be examined on the material now available, including the subsequent progress of the trial.

7. The prosecution case against the Applicant is not confined to statements made during police interrogation. The chargesheet records that Jitender Malik @ Bhola, the deceased's brother-in-law, stated during investigation that he had witnessed three armed persons firing at the deceased before fleeing in a car. Although he did not name or describe the

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Applicant in his initial statement, he asserted that he could identify the assailants. The chargesheet further records that, following the Applicant's arrest in January 2016, the witness identified him at the police station as one of those persons and stated that he was carrying a pistol-like weapon at the time of the incident. The Applicant had earlier refused to participate in the Test Identification Parade. Significantly, the Sessions Court, in its order dated 21st May, 2026, has recorded that the same witness, examined as PW-2, identified the Applicant during trial as one of the persons who fired upon the deceased. The defence questions the witness's opportunity to observe the assailants and the reliability of his identification, particularly because he was shown the Applicant at the police station. These are legitimate grounds for scrutiny at trial. Nevertheless, the identification recorded during the witness's testimony cannot be disregarded at this stage merely because his earlier statement did not disclose the Applicant's name. Its ultimate reliability will depend upon the witness's complete testimony and the circumstances in which the identification was made.

8. The Court at this stage cannot conduct a mini trial. The Applicant may not have been named in the FIR nor specifically mentioned in the deceased's telephone conversation with his wife. The latter, however, referred to Ravinder @ Bholu and Pradeep Solanki being accompanied by their associates, without identifying every person allegedly involved. The absence of any recovery from the Applicant is also a relevant circumstance, but does not, by itself, negate the eyewitness account. As regards the CCTV footage, its capacity to establish the Applicant's identity remains disputed, and no finding adverse to him can presently be founded upon that footage alone. Nor can the statements attributed to him during police interrogation

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be treated as substantive evidence of his participation in the offence. Even leaving those statements aside, the prosecution relies upon an eyewitness who has identified the Applicant in Court and attributed participation in the shooting to him. The circumstances bearing upon the reliability of that account require adjudication at trial. At the present stage, they do not justify treating the prosecution case against the Applicant as devoid of incriminating evidence.

9. The Applicant's prolonged incarceration indeed requires serious consideration. The nominal roll submitted on 9th September, 2026, records an aggregate undertrial custody period of ten years, two months and twelve days as on 7th September, 2026. The Applicant surrendered upon expiry of his interim bail on 31st July, 2026, and has remained in judicial custody thereafter. The prosecution has cited 27 witnesses. Seven have been examined, while PW-9 remains partly examined. The proceedings are thus far from conclusion despite the passage of more than a decade since the alleged occurrence.

10. Pursuant to this Court's direction, the Trial Court has submitted its report dated 14th October, 2026, explaining the recent delay. The report shows that on 15th July, 2026, a witness who was present could not be examined because the substitute prosecutor was attending to two courts. On 19th August, 2026, PW-9 was partly examined, but his further examination required clarification from the Investigating Officer. On 7th October, 2026, the Investigating Officer remained absent despite service, preventing completion of that witness's examination. The Trial Court has issued bailable warrants against the Investigating Officer. Although the Sessions Court's earlier order also refers to adjournments sought by the defence on

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certain dates in 2024 and 2025, the more recent delays cannot reasonably be attributed to the Applicant. The considerable pendency reported by the Trial Court explains the difficulties under which it functions, but cannot justify continued stagnation of a trial involving persons who have remained in custody for several years.

11. The Supreme Court has repeatedly recognised that prolonged incarceration without reasonable progress of trial may warrant bail even where the accusation is serious. In ***Union of India v. K.A. Najeeb***[2], the Court emphasised that the right to personal liberty under Article 21 encompasses the right to a speedy trial and that an undertrial cannot be detained indefinitely where a timely trial is not possible. More recently, in ***Vaibhav Singh v. State of Uttar Pradesh***[3], the Supreme Court granted bail in a murder case after nearly nine years of incarceration. These decisions require the Court to examine whether continued detention remains justified, rather than treating the gravity of the offence as an answer in itself. The period of custody is therefore a substantial consideration in the Applicant's favour. His entitlement to bail must nevertheless be determined upon an assessment of the other circumstances bearing upon the necessity and risks of his release.

12. The Applicant's antecedents have been verified through the State's supplementary status report dated 5th November, 2026. Although thirteen criminal involvements are reflected, the report mentions that several cases have ended in acquittal, discharge or other disposal. Three cases, including the present prosecution, are shown as pending trial. The other pending

[2] (2021) 3 SCC 713
[3] SLP (Crl.) No. 7416/2026, decided on 29th April, 2026

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proceedings concern allegations of robbery under Sections 392/397 IPC and an offence under Section 3 of the Maharashtra Control of Organised Crime Act, 1999. The report also records a conviction under Section 25 of the Arms Act in FIR No. 02/2016. The status of another case involving allegations under Sections 365/302 IPC remains unverified and is not being treated as an established pending prosecution.

13. The Supreme Court in ***Ayub Khan v. State of Rajasthan***[4], held that criminal antecedents are only one of the relevant considerations in a bail determination. The Applicant's record must be considered in that manner, without treating the mere number of registered cases as proof of a propensity for crime.

14. The nominal roll also records six disciplinary punishments during 2023 and 2024, relating to misconduct towards prison staff, recovery of prohibited articles, recovery of a mobile phone and obstruction of CCTV surveillance by hanging clothes or curtains. His overall jail conduct has accordingly been assessed as unsatisfactory.

15. The State has additionally expressed concern for the safety of the deceased's family. The Investigating Officer has reported a continuing apprehension of threats, and the deceased's brother has sought protection under the Delhi Witness Protection Scheme. Although the material presently placed before this Court does not establish any specific act of intimidation by the Applicant during his earlier periods of interim release, the concern expressed by the family cannot be dismissed altogether. The prosecution alleges a coordinated firearm attack arising from an existing dispute. The possible consequences of the Applicant's release must be assessed in that

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context, particularly having regard to his other pending proceedings and custodial record.

16. Having considered these circumstances together, the Court is not persuaded to grant regular bail at this stage.

17. The continued delay in the trial, however, cannot be permitted to persist. The proceedings have remained pending for an exceptionally long period, and the absence of official witnesses or the unavailability of a prosecutor must not continue to impede their progress. The Trial Court is accordingly directed to accord priority to the case and make every endeavour to conclude the trial within nine months from the date of receipt of this order. For this purpose, the Trial Court shall prepare an appropriate schedule for recording the remaining prosecution evidence, preferably fixing consecutive or closely spaced dates wherever practicable. The State shall ensure the attendance of prosecution witnesses, particularly the Investigating Officer and other official witnesses whose evidence remains incomplete, together with the necessary records and case property. The Director of Prosecution shall ensure that an appropriately briefed prosecutor remains available to conduct the proceedings effectively. Unnecessary adjournments shall be avoided, while preserving to all accused persons a fair opportunity to contest the prosecution evidence. The Principal District and Sessions Judge concerned shall facilitate administrative measures necessary for compliance with these directions.

18. The application is accordingly dismissed. The Trial Court shall endeavour to adhere to the stipulated schedule and record reasons for any substantial departure from it. If the trial fails to make meaningful progress

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[4] 2024 INSC 994

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notwithstanding these directions, the Applicant shall be at liberty to seek reconsideration of bail on the basis of the circumstances then prevailing. Any such application shall be decided independently, having regard to the further period of incarceration and the progress actually achieved.

19. Nothing stated in this order shall be construed as an expression of opinion on the guilt or innocence of the Applicant or the evidentiary worth of the material, which shall be determined independently at trial.

20. A copy of this order be communicated to the Trial Court, the Principal District and Sessions Judge concerned and the Director of Prosecution for information and compliance.

SANJEEV NARULA, J

NOVEMBER 19, 2026/ab

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