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

+ **BAIL APPLN. 2343/2024&CRL.M.(BAIL) 341/2026**
GUFRAN SEIKH @ SEJUPetitioner

Through: Mr. Chetan with Mr. Puneet Singh,
Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP with
Insp. Lalit.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **25.02.2026**

1. Applicant seeks regular bail in a case arising out of FIR No. 0457/2017 dated 17.09.2017, for commission of offences under Sections 302/307/34 IPC, 1860, registered at P.S. Geeta Colony.
2. The incident in question dates back to 16.09.2017, when three boys (including applicant herein) were quarrelling with driver of one Swift car regarding the manner in which the abovesaid car was being driven.
3. Three occupants of a scooty noticed the scuffle and stopped and upon their intervention, all the accused pounced upon them and attacked them. One such person i.e. Nishant Arora was stabbed and, eventually, succumbed to his injuries.
4. All such three accused were, eventually, arrested from Haridwar.
5. Learned counsel for the applicant submits that the applicant has already undergone incarceration for more than 5 ½ years. He submits that the applicant deserves concession of bail on account of having suffered

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incarceration for a significant period of time and places reliance on *Sunil Bihari Alias Shakti Singh v. The State (NCT of Delhi)*, 2025:DHC:11035 where the accused therein was granted bail by Coordinate Bench of this Court *vide* its judgment dated 08.12.2025 on account of prolonged incarceration, while observing as order:-

“23. Once the applicant undisputedly is in continuous incarceration since 08.06.2018 and once it is clear that the trial is not likely to be concluded in near future, the applicant cannot be denied benefit of bail on the sole criteria of his implication in previous FIRs and the fact that the accused was once declared proclaimed offender.

24. The Hon'ble Apex Court in the case of Union of India v. K.A. Najeeb: AIR 2021 SC 712 held that once it is obvious that a timely trial would not be possible, and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.

25. The investigation in the present case already stands concluded with the filing of chargesheet followed by framing of charges and the material witnesses have already been examined by the learned Trial Court.

26. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.”

6. Learned counsel for the applicant also submits that during Covid-19 Pandemic, he had been released as per the recommendations of the High Powered Committee (HPC) and he never misused such concession of bail and duly surrendered after the expiry of such interim bail. He supplements that, even as per the deposition of eye witnesses, the applicant herein is not the one who had done the actual stabbing. It is also contended that all the material public-witnesses have already been examined and since the prosecution is required to examine around 12 more witnesses, there is no likelihood of trial



being concluded in near future.

7. Additionally, it is argued that the case of prosecution is on a sticky wicket as there is big question mark with respect to the identification of the accused, as the accused had been shown at the police station, before holding of judicial TIP.

8. However, the abovesaid aspects, touching merit of the case, need not be considered in depth at this stage and the applicant would always be at liberty to agitate the same time at the time of final arguments before the learned Trial Court.

9. Learned APP for the State, who is assisted by IO, does admit that all material public-witnesses, including the three eye-witnesses, have already entered into witness box. He submits that the witnesses have maintained their stand taken during the investigation and the applicant had refused to participate in judicial TIP and during trial, he was correctly identified by all concerned.

10. Nominal roll of the applicant is on record which indicates that his actual incarceration period is well above 5 years. The medical report received from the jail also indicates that he is having spine-related lower back problem.

11. Keeping in mind the overall facts and circumstances of the case and the long period of incarceration undergone by the applicant coupled with his previous clean antecedents, the applicant is, hereby, admitted to bail on his furnishing personal bond in a sum of Rs. 25,000/- with one 'local' surety of like amount, subject to the satisfaction of learned Trial Court, Chief Judicial Magistrate/Duty Judicial Magistrate First Class with the following conditions: -

(i) Applicant shall not try to contact any of the public witness, directly



or indirectly.

(ii) He shall not leave the National Capital Territory of Delhi without prior permission of learned Trial Court.

(iii) He shall furnish his mobile number to concerned IO on which he can be contacted, if required. Such number shall remain operational and functional.

(iv) The address of the applicant and his proposed local surety would be verified before the bonds are accepted.

(v) The applicant shall not indulge in any further criminal activity.

12. Application stands disposed of in aforesaid terms.

13. Pending application also stands disposed of.

14. A copy of this Order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.

MANOJ JAIN, J

FEBRUARY 25, 2026/sw/sa