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

\# **CNR No. DLHC010412272026**

\+ BAIL APPLN. 3657/2026

VIKASH SAHARAN .....Petitioner

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

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State with Mr. Narendra Kumar, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 18.11.2026

1. The Applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] in FIR No. 681/2021 dated 22nd November, 2021, registered at P.S. Shahbad Dairy, Delhi, initially under Section 365 of the Indian Penal Code, 1860 ["IPC"]. Offences under Sections 302/201/120B/34 IPC were subsequently added. His 15th application for regular bail was dismissed by the Sessions Court *vide* order dated 12th August, 2026.

2. The prosecution case concerns the alleged kidnapping and murder of Deepak, a 24-year-old taxi driver, who went missing on 8th November, 2021. According to the investigation, the Applicant and co-accused Shokeen Hooda and Vikash Tomar booked an Ola taxi driven by Deepak near Paschim Vihar Metro Station and travelled through Bahadurgarh towards

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Panipat. The prosecution alleges that Deepak was subsequently strangulated, his body was disposed of in a canal, and his vehicle was concealed at a deserted location in Haryana for use in a proposed abduction. The alleged motive was to abduct one Pankaj Juneja, compel him to execute a power of attorney in favour of Shokeen Hooda in respect of his 18 acres of land, and thereafter take over the property. A body found near a drain in the jurisdiction of P.S. Sadar, Sonipat, on 23rd November, 2021, was subsequently identified by Deepak's family members on the basis of tattoo marks on his hand. Upon completion of the investigation, a chargesheet was filed and charges have been framed against the accused persons.

3. Counsel for the Applicant submits that the prosecution case rests entirely on circumstantial evidence and inadmissible disclosure statements. There is no eyewitness to the alleged murder, no recovery attributable to the Applicant, and no independent material connecting him with the alleged offence or establishing the alleged motive. The delay in registration of the FIR and the circumstances surrounding the subsequent recovery and identification of the deceased's body are also relied upon to question the investigation. It is further contended that the Applicant has been in custody since 4th December, 2021, only 7 PWs have been examined, and the trial is unlikely to conclude soon. Counsel emphasises that the Applicant has been released on interim bail on several occasions and that no allegation of misuse of liberty has been made against him. Reliance is placed upon ***State by (NCB) Bengaluru v. Pallulabid Ahmad Arimutta & Anr.***[1], ***Krishan v. State of Haryana***[2], ***Javed Gulam Nabi Shaikh v. State of Maharashtra &***

[1] (2022) 12 SCC 633.
[2] 2024 INSC 60.

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Anr.[3] and the decision of this Court in ***Vikram Singh (In JC) v. State (NCT of Delhi)***[4].

4. The State opposes the application, relying on the seriousness of the allegations, the Applicant's alleged role and the material collected during investigation. It submits that the investigation collected details from Ola regarding customers who travelled with the deceased on 8th November, 2021, examined a last-seen witness and gathered details of payments made at various dhabas and through phones. The State further apprehends that the Applicant may threaten or influence witnesses and thereby hamper the trial. It also contends that the Applicant is likely to abscond if released on bail, as he does not reside in Delhi. The Status Report records that 7 out of 31 PWs have been examined and that the matter is fixed PE on 4th January, 2027.

5. The Court has considered the submissions and examined the record. The gravity of an accusation under Section 302 IPC is a weighty consideration, but cannot be the sole determinant of a bail application. The Court must examine the nature of the material connecting the accused with the offence, the role attributed to him, his conduct and antecedents, the likelihood of his absconding or interfering with the trial, and the period of custody already undergone. These factors must be assessed cumulatively, without undertaking a detailed evaluation of the evidence or determining questions reserved for trial.

6. The Applicant contends that his implication rests entirely upon inadmissible disclosure statements. While confessional statements made to the police cannot, by themselves, be treated as substantive evidence of guilt,

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[3] 2024 INSC 645.
[4] BAIL APPLN. 3184/2025, order dated 5th December, 2025.

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subject to the limited admissibility of information leading to discovery, the prosecution case is not confined to such statements. The chargesheet also refers to the statement of Alakh Ram, who claims to have seen Deepak travelling with three persons, the statement of Sonu, who spoke to Deepak during the journey, and the deceased's father's account of his telephone conversations with his son. The chargesheet further refers to the attempted hiring of a vehicle from Zoom Car, the subsequent booking of the deceased's Ola taxi and payment records relating to the journey. It also records that the Applicant pointed out the place where the taxi had been parked, although the key of the taxi was recovered from the house of co-accused Vikash Tomar. The Status Report also reproduces the post-mortem findings, which record injuries to Deepak's neck, including a fracture of the third cervical vertebra and contusion of the spinal cord. Whether these circumstances establish the Applicant's involvement, and what inference may legitimately be drawn from them, are matters for trial. At this stage, however, the contention that the prosecution has no material independent of the police disclosures cannot be accepted.

7. The decisions in *Pallulabid Ahmad Arimutta* and *Krishan* do not lead to a different conclusion. The former concerned prosecution material resting substantially on statements recorded under Section 67 of the NDPS Act, while the latter, in an appeal against conviction, involved an acquittal after the alleged recovery was found unreliable and the eyewitnesses failed to support the prosecution. The present assessment does not turn on the admissibility of the Applicant's alleged confession or the alleged discovery of the place where the deceased's body was disposed of. Whether the other circumstances relied upon by the prosecution ultimately establish the charge

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remains open for trial. Similarly, the delay between the initial missing report and registration of the FIR, or the subsequent recovery and identification of the body, cannot, at this stage, by themselves warrant discarding the prosecution case.

8. The Applicant has also pleaded non-supply of written grounds of arrest in violation of Article 22(1) of the Constitution. His arrest took place on 4th December, 2021. The requirement concerning communication of written grounds, as clarified by the Supreme Court in ***Mihir Rajesh Shah v. State of Maharashtra & Anr.***[5], was directed to govern arrests prospectively. The chargesheet records that the reasons for arrest were communicated to the Applicant. The plea founded upon non-supply of written grounds in December 2021, therefore, does not furnish a basis for his release in the present proceedings.

9. The period of custody and the pace of trial require separate consideration. The Nominal Roll reflects actual incarceration of 3 years, 10 months and 27 days as on 2nd November, 2026, the Applicant having been released on interim bail on several occasions. The length of detention and the time likely required for the trial's conclusion must, however, be considered in the context of the material connecting the Applicant with the offence, his alleged role and the totality of the circumstances bearing upon his release. In *Vikram Singh*, bail was granted having regard to the background of the applicant therein and the totality of the circumstances in which the offence had been committed. The relief in that case, therefore, does not by itself entitle the present Applicant to bail merely because the period of custody or the number of witnesses examined may be comparable.

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10. The Applicant's conduct also requires consideration. Although he has been released on interim bail on several occasions, the Sessions Court's order dated 18th June, 2026 records that, despite dismissal of his application seeking extension of interim bail on 15th June, 2026, he had not surrendered before the Jail Authorities. The Court nevertheless granted him one further day to surrender. The Nominal Roll also records his overall jail conduct as "Unsatisfactory" and notes a punishment dated 4th June, 2023 in connection with the recovery of a mobile phone. It further discloses one other criminal case pending against him. These circumstances do not establish his guilt or, by themselves, justify an assumption that he will necessarily misuse his liberty. They do, however, qualify the submission that his past conduct offers an unreserved assurance of compliance.

11. On an overall consideration, the Court is not persuaded to grant bail at this stage. Accordingly, the present bail application is dismissed.

12. The *prima facie* observations made are confined to the consideration of the bail application and shall not influence the Trial Court in its independent assessment of the evidence.

SANJEEV NARULA, J

NOVEMBER 18, 2026/*hc*

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[5] 2025 INSC 1288

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