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

\# **CNR No. DLHC010460872026**

\+ BAIL APPLN. 4062/2026

SHUBHAM @ SHIVA .....Petitioner

Through: Mr. Takshay, Mr. Akshay, Mr. Hrithik, Shokeen and Mr. Mohit Shokeen, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Mukesh Kumar, APP for the State.
Insp. Jitender Rana with SI Sunil Kumar, PS GTB Enclave.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 29.10.2026

1. The present application has been filed by the applicant/accused under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), seeking grant of regular bail in FIR No. 85/2021, registered at Police Station GTB Enclave, Delhi, for the offences punishable under Section 186, 353, 332, 307, 224, 225, 482, 392, 397 and 120B of the Indian Penal Code, 1860 ('IPC'), and Sections 25 and 27 of the Arms Act, 1959 ('Arms Act').

2. The present FIR was registered pursuant to a firing incident inside GTB Hospital, wherein 10–12 persons allegedly attacked the police personnel escorting a 'High Risk Category' undertrial prisoner for a medical

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check-up. The said persons allegedly opened fire at the police personnel, threw chilli powder into their eyes, and attempted to snatch their weapons to facilitate the escape of the undertrial prisoner.

3. During the course of the investigation, the applicant was arrested on 11th June, 2021, and has remained in custody ever since.

4. Notice in the present application was issued *vide* order dated 25th September, 2026.

5. Pursuant to the said order Status Report has been filed on behalf of the State opposing the present bail application.

6. Counsel for the applicant submits that the applicant that the applicant has been falsely implicated in the present case.

7. It is submitted on behalf of the applicant that the applicant has already undergone 5 years 3 months of custody, and till date, only 3 eye witnesses have been examined.

8. He further submits that 13 other co-accused have already been granted bail. All the aforesaid bail orders have been placed on record as Annexure P-5 to Annexure P-18 of the present application. He submits that the main co-accused Ankesh Lakra has been granted bail by the Sessions Court *vide* order dated 4th August, 2025 (Annexure P-18 to the present application).

9. He submits that the applicant is implicated in six FIRs, out of which he has been acquitted in four FIRs, and is in judicial custody in two FIRs.

10. In the status report, it has been stated that the applicant was seen in the CCTV buying red chilli on the date of the incident and there is enough evidence against the applicant. It is further stated that chargesheet *qua* the applicant has been filed on 31st July, 2024 and charges under Sections 186/353/332/225/482/307/120-B have been framed.

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11. Mr. Mukesh Gupta, APP opposes granting of bail by stating that the offence is of serious and grave nature and the applicant is involved in other criminal cases of a serious nature.

12. I have heard the counsel for the parties and perused the material on record.

13. On 5th November, 2024, this Court had rejected the bail application of the applicant taking note the fact that eye witnesses are yet to be examined in the present case. The bail application was dismissed while making observation that efforts would be made to ensure that eye witnesses are examined expeditiously.

14. Since the said date of hearing, 3 eye witnesses have been examined. Clearly, the trial is proceeding at a very slow pace.

15. All the other 13 co-accused named in the FIR have already been granted bail. Further, even the main accused Ankesh Lakra who was caught on the spot on the date of the incident has also been granted bail.

16. Nominal roll has been received in terms of which the applicant is already in judicial custody in respect of other FIRs registered in Haryana. Till date, the applicant has not been convicted in any of the said cases.

17. Considering the totality of the facts and circumstances, including the period of incarceration, the fact that the trial is likely to take considerable time and that all the other co-accused, including the main accused, have been granted bail, this Court is inclined to enlarge the applicant on bail.

18. Accordingly, the present application is allowed and the applicant is directed to be released on bail, unless wanted in any other cases, subject to the applicant furnishing personal bond in the sum of Rs.50,000/-, with one surety in the sum of Rs.50,000/- to the satisfaction of the Trial Court, and

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subject to the following conditions:

a. The applicant shall provide his latest mobile number(s) to the concerned Investigating Officer ("I.O.")/Station House Officer (S.H.O.), which shall be kept in a working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the I.O.

b. The applicant shall furnish his permanent address to the I.O., as well as the address where he is residing during the pendency of the matter, within one (1) week from today, and will inform the I.O. and this Court in case of any change in address.

c. The applicant will appear before the Trial Court as and when the matter is listed for hearing.

d. The applicant shall not leave the country without the permission of the Court.

e. The applicant shall not commit any offence during the period of their release.

f. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.

19. The application is disposed of in the above terms.

20. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail application and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the

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trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

AMIT BANSAL, J

OCTOBER 29, 2026
Vivek/-

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