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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2748/2025**
SHAHJADPetitioner

Through: Mr. Bhanu Malhotra and Mr. Rishabh
Atri, Advocates

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Sunil Kumar Gautam, APP for
State/R-1
Insp. Satender Pal Singh and SI
Vikram Singh

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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30.04.2026

1. Applicant seeks regular bail in case FIR No. 0014/2019 dated 11.01.2019 registered at Police Station Welcome for commission of offence under Section 302/34 IPC.
2. Learned counsel for the applicant submits that the applicant is behind the bars for more than 7 years.
3. He submits that, so far, 16 out of 35 witnesses have been examined and since there is no likelihood of trial getting completed in near future, keeping in mind the time already spent behind the bars by the applicant, he deserves bail.
4. He also submits that there are, in all, 7 accused persons and, out of those, two are juvenile offenders whereas one is *proclaimed offender* and one has already expired. He submits that two other accused persons have already been released on bail.
5. When the matter was taken up on the last date, petitioner had

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undertaken to place on record copy of the bail order whereby his co-accused Arman @ Kallu was enlarged on bail. Copy of order dated 03.09.2024 passed by learned Trial Court has been placed on record whereby his such co-accused has been enlarged on bail, while also considering the fact that he was in custody for around 5½ years.

6. It is submitted that barring applicant herein, all other co-accused are on bail in the present matter.

7. According to learned counsel for applicant, applicant has been falsely implicated in the present matter. He submits that though the wife of deceased was projected as eyewitness and had supported the case in her earlier deposition, but when she was cross-examined recently, she did not support the case of prosecution as in her testimony, she claimed that she did not see the faces of assailants and also admitted it to be correct that photographs of the accused had been shown to her at the police station.

8. Reference be made to *Sunil Bihari Alias Shakti Singh v. The State (NCT of Delhi)*: 2025:DHC:11035 where the accused therein, who was also facing murder charge, was granted bail by Coordinate Bench of this Court *vide* its judgment dated 08.12.2025 on account of prolonged incarceration, while observing as under:-

“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.”

9. Keeping in the mind the long incarceration period of the applicant, *albeit*, without making any observation over the merits of the case, the applicant is admitted to bail on his furnishing personal bond and surety bond in a sum of Rs. 25,000/- each subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Judicial Magistrate First Class and with the following conditions: -

- (a) Surety would be local.*
- (b) Applicant shall appear before the learned Trial Court regularly on dates fixed.*
- (c) Applicant/accused shall not come in contact of the witnesses, directly or indirectly.*
- (d) The applicant/accused shall not leave NCR of Delhi without permission of learned Trial Court.*
- (e) The applicant/accused shall provide his mobile number to the investigating officer and shall keep the same operational all the time.*

10. The application stand disposed of, in aforesaid terms.

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

MANOJ JAIN, J

APRIL 30, 2026/dr/sy



This is a digitally signed order.

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