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

+ **BAIL APPLN. 3797/2025**

ROHIT

.....Petitioner

Through: Mr. C. M. Sangwan, Adv.

versus

THE STATE (GOVT. OF NCT DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

07.05.2026

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 369/2022, registered at Police Station Shahbad Dairy, Delhi, for the commission of offence punishable under Sections 302/365/201/120B/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the facts of the present case are that on 24.05.2022, an information *vide* DD No. 12A, regarding a quarrel was received at Police Station Shahbad Dairy, Delhi. The concerned Investigating Officer (I.O.) had reached the place of occurrence, where they met the complainant Mr. Ajay and recorded his statement, wherein the complainant alleged that on 23.05.2022 at about 10:30 PM, he along with his friends Chetan @ Chintu, Deepak, Prakash and Sandeep @ Paji were walking on the road near Akhada in Murga Market, Shahbad Dairy, when accused Kishan along with his brothers Mukesh and Raj Kumar, and their nephews (*Bhanje*) Rohit (present



applicant), Arun, along with their friends Sohail and D.K. had come and stopped him and his friends. The complainant along with his friends had fled from the place of occurrence. They later heard the sound of firing from there. Accordingly, the present FIR was registered and investigation was taken up. Further, during the course of investigation, an intimation was received from Police Station Samaypur Badli, regarding the recovery of a dead body from the canal near Haiderpur water plant at about 8:20 PM on 25.05.2022, which was later identified as that of Sandeep @ Paji. Thereafter, Sections 302/201/120B IPC were added in the present case. Further, during investigation the statements of the eye-witnesses namely Prakash, Cehtan @ Chintu and Deepak @ Deepu were recorded, in which it was alleged that the present application was involved in the crime. Accordingly, the present applicant was arrested on 19.07.2023.

3. The learned counsel appearing on behalf of the applicant argues that the applicant has clean criminal antecedents and has remained in judicial custody for more than two years and ten months. It is argued that the trial is likely to take a considerable period of time to conclude, inasmuch as out of 59 prosecution witnesses, only 30 witnesses have been examined so far. Learned counsel further argued that, out of six public witnesses, two material/star witnesses have already turned hostile. It is further argued that there is no direct incriminating material against the applicant and that the entire case against him rests solely on circumstantial evidence. Accordingly, it is prayed that the applicant be enlarged on bail.

4. On the other hand, the learned APP for the State submits that the offence alleged against the applicant is serious in nature. Therefore, it is prayed that the applicant/accused be not enlarged on bail.



5. This Court has **heard** arguments addressed by the learned counsel appearing for the applicant as well as the learned APP for the State, and has perused the material available on record.
6. The case against the present applicant, at this stage, appears to rest primarily on circumstantial evidence. No direct *prima facie* incriminating material has been brought on record connecting the applicant with the commission of the alleged offence.
7. This Court further notes that out of six public witnesses, two material/star witnesses examined by the prosecution have already turned hostile. It is also pertinent to note that out of total 59 prosecution witnesses, only 30 witnesses have been examined till date and, therefore, a substantial part of the prosecution evidence is yet to be recorded. In view thereof, the trial is likely to take a considerable period of time to conclude.
8. Another factor which weighs with this Court is that the applicant has remained in judicial custody since 19.07.2023, i.e., for nearly three years. The applicant is stated to have clean criminal antecedents and his overall jail conduct has remained satisfactory. Furthermore, the co-accused persons have already been enlarged on bail by the learned Trial Court.
9. Accordingly, having regard to the totality of the facts and circumstances of the case, the period of custody undergone by the applicant, the nature of evidence presently available on record, the likelihood of delay in conclusion of trial, this Court is inclined to grant bail to the applicant on his furnishing a personal bond in the sum of ₹15,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned, on the following terms and conditions:



- i) The applicant shall not leave the country without prior permission of the concerned Court, and if the applicant has a passport, he shall surrender the same to the concerned Trial Court.
 - ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
 - iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
 - iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
10. Accordingly, the present bail application stands allowed and is disposed of.
11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 07, 2026/A
GJ