



3. Against the above backdrop, learned senior counsel for accused/applicant contends that the prosecution evidence is not at all reliable in the present case. It is also contended that two of the accused persons, against whom prosecution alleged conspiracy have already been granted bail by this court. One of the four alleged assailants was a Child in Conflict with Law, according to learned senior counsel, while the remaining three are in custody. It is submitted by learned senior counsel that both alleged eyewitnesses have already been examined in trial but even at this stage, 32 more witnesses remain to be examined and the accused/applicant is in custody since 26.04.2019. Culmination of trial not being expected in the immediate future, learned senior counsel submits that this is a fit case to release the accused/applicant on bail.

4. The bail application is opposed by prosecution on the ground of gravity of the offence alleged against the accused/applicant. Learned prosecutor also submits that since the accused/applicant refused to participate in the Test Identification Parade, his dock identification becomes significant. Learned prosecutor assisted by IO/Inspector Sachin Kumar has produced before me the CCTV footage contending that the offence is clearly captured in the same.





2026:DHC:219



involvement of the accused/applicant is alleged solely on the basis of identification by the alleged eyewitnesses through CCTV footage, which does not depict faces clearly and according to the FSL, the bullet retrieved from the dead body was not fired from the country-made pistol allegedly used by the accused/applicant. The accused/applicant is in jail since 26.04.2019, though he was on Covid bail for some period.

10. Considering the above circumstances, I find no reason to further deprive the accused/applicant liberty. The application is allowed and accordingly, the accused/applicant is directed to be released on bail, subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the trial court. The accompanying application stands disposed of.

11. As a matter of cautious rider, it is made clear that none of the observations made above shall be read at the time of final decision of the trial. Copy of this order be sent to the concerned Jail Superintendent immediately for being conveyed to the accused/applicant.

GIRISH
KATHPALIA

GIRISH KATHPALIA
(JUDGE)

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JANUARY 12, 2026/ry

BAIL APPLICATION 4135/2025

Page 4 of 4 pages

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