



\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4819/2025 & CRL.M.A. 37045/2025 & CRL.M.A. 37046/2025**

KARAN

.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate
(through V.C.) with Mr. Tarun Goyal,
Advocate

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with Mr. Shri Bhagawan, PS Rajouri
Garden.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

%

09.04.2026

1. Applicant seeks regular bail in a case arising out of FIR No.269/2019, dated 14.07.2019, registered at P.S. Rajouri Garden, for commission of offence under Section 397/302/411/34 IPC.
2. The case is of the year 2019 and as per the case of prosecution, on the intervening night of 13th and 14th July, 2019, the police team, while patrolling, noticed one car parked in a suspicious manner. There were several occupants in the abovesaid car. However, when the occupants of the car noticed the police team approaching them, they tried to run away. The police was able to apprehend two persons i.e. Himanshu and Deepak, while the others were able to flee from the spot. They both were interrogated and then it came to fore that a robbery had been committed by all of them and when such robbed person attempted to resist, he was even stabbed. The police, when reached such injured, it was too late as he succumbed to such injuries. During further



investigation, Himanshu and Deepak also revealed the names of other occupants of the vehicle co-accused and that is how the police reached other accused persons, including Karan i.e. applicant herein.

3. According to the case of prosecution, at the instance of accused Karan, weapon of offence was recovered.

4. One Ajay @ Ajju was also arrested in similar manner and, admittedly, such Ajay @ Ajju has already been released on bail *vide* order dated 15.09.2025 passed by learned Coordinate Bench of this Court in BAIL APPLN. 2117/2025.

5. Learned Addl. P.P. for the State has handed over a status report in Court. The same is taken on record.

6. Learned counsel for the applicant submits that the applicant is in custody since July 2019 and so far only 12 out of 40 cited witnesses have entered into witness box and there is no likelihood of trial getting over in near future. He submits that as far as independent public witness with respect to the recovery of weapon of offence is concerned, such independent witness (PW-4 Rakesh) has turned hostile as he has neither identified the accused nor the weapon of offence.

7. Learned counsel for the applicant also submits that though the applicant was earlier involved in some other matters, as on date, no case is pending against him.

8. Learned Addl. P.P. for the State submits that knife was sent for forensic examination and was found stained with the blood of the deceased and, therefore, his complicity is quite apparent, despite the hostile testimony of independent public witness.

9. Nominal Roll has been received from the Jail Authorities which



indicates his actual custody period, as on 04.04.2026, to be 6 years 8 months 20 days.

10. Learned counsel for the applicant reiterates that there is no likelihood of trial being concluded in near future and the applicant has already undergone incarceration for more than six years and eight months and, therefore, the applicant herein deserves concession of bail on account of having suffered incarceration for a significant period of time and places reliance on *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.”



11. Undoubtedly, the case at hand is of murder, and the gravity of the offence involved cannot be disregarded, but at the same time, the long incarceration period and the fact that there is no likelihood of trial getting completed in near future, this Court, in order to uphold the objective enshrined under Article 21 of the Constitution of India, in its true letter and spirit, finds no reason to disallow the bail. Reference be also made to *Deepak Tiwari vs. State (NCT of Delhi)*: 2024 SCC OnLine Del 7810, *Praveen Rathore v. State of Rajasthan*: 2023 SCC OnLine SC 1268 and order dated 24.02.2026 in BAIL APPLN.3794/2024 titled *Saif Ali @ Saif Khan vs. State Govt. of NCT of Delhi*.

12. Resultantly, the applicant is hereby admitted to bail on his furnishing personal bond in a sum of Rs. 25,000/- with one local surety of like amount, subject to the satisfaction of learned Trial Court/CJM/Duty Magistrate with following conditions:-

(i) The applicant would provide his Mobile Number to the concerned I.O and would ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.

(ii) The applicant shall not try to contact and influence any witness, directly or indirectly.

13. The application stands disposed of in aforesaid terms.

14. A copy of this order be sent to the concerned Court and also to the Jail Superintendent for necessary information and compliance.

15. Pending applications also stand disposed of.

MANOJ JAIN, J

APRIL 9, 2026/st/js



This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 10/04/2026 at 11:45:53