



\$~6

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

+ **BAIL APPLN. 3/2026**

JAI

.....Applicant

Through: Mr. Ashok Chaitanya, Adv.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP with
Ms. Divya Bakshi, Ms. Upasana
Bakshi, Advs.
Mr. Saroj Kumar Jha, Adv. for
complainant (through VC)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

18.05.2026

%

CRL.M.A. 15849/2026 (by applicant to place on record certified copies)

1. By virtue of the present application, the applicant seeks to place on record certified copies of the deposition(s) of Prosecution Witnesses (**PW1** to **PW8**).

2. Considering that the aforesaid documents are recordings *qua* which no assertions have been made and/ or relied upon in the captioned bail application, learned counsel for the applicant seeks leave to withdraw the present application.

3. As such, the present application is dismissed as withdrawn.

BAIL APPLN. 3/2026

4. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) read with *Section 439*



of the Code of Criminal Procedure, 1973 (**Cr.P.C**), the applicant seeks grant of regular bail in FIR No.809/2018 dated 16.12.2018 registered at PS.: Nand Nagari, Delhi under *Sections 302/34* of the Indian Penal Code, 1860 (**IPC**) and *Sections 25/27* of the Arms Act, 1959 (**AA**).

5. As per FIR, upon receiving an intimation, the Police reached at the place of incident, whereby the victim (**now deceased**) had already been taken to the Hospital, where his brother (**complainant**) was present. In his statement recorded there, he stated that whence he went out in search for the deceased, he saw the co-accused persons present next to the deceased, who was lying in a pool of blood, and all of the accused persons fled therefrom.

6. In this factual backdrop, this Court has heard learned counsel for the applicant, learned APP for State and learned counsel for the complainant.

7. It emerges therefrom that although the applicant was present at the scene of crime amongst all the others, however, the limited role attributed to him is his asking the co-accused persons to flee from the spot, which they all did. For the moment, the same is such which does not call for denying the grant of regular bail to the applicant. Regarding the issue of common intention, if any, that is a matter of trial. As on date, not only has the applicant been in judicial custody for more than *five years* but since only *eight witnesses* out of *twenty-six witnesses* have yet been examined as on date, the conclusion of trial is likely to take time. Though, the applicant was implicated in another FIR, however, he has since been acquitted therein.

8. Thus, taking a cumulative view of the facts and circumstances involved, the present application is allowed, and the applicant is directed



to be released on regular bail in proceedings arising out of FIR No.809/2018 dated 16.12.2018 registered at PS.: Nand Nagari, Delhi under *Sections 302/ 34* of the IPC and *Sections 25/27* of the AA, subject to him furnishing a personal bond in the sum of Rs.50,000/- [*Rupees Fifty Thousand Only*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as per prison records and shall surrender his Passport, if any, to the IO within a period of *three days*.
- ii. Applicant shall appear before the learned Trial Court if, as and when called for.
- iii. Applicant shall provide his mobile number to the IO concerned which shall be kept in working condition at all times.
- iv. Applicant shall report to the IO at PS.: Nand Nagari once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
- v. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

9. Copy of this order be sent to the concerned Jail Superintendent for information and compliance *forthwith*.



10. Needless to say, expression of view(s) on the merits, if any, are solely for the purposes of adjudication of the present application and shall have no bearing on the overall case/ trial involved.

MAY 18, 2026/bh

SAURABH BANERJEE, J.