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

CNR No. DLHC010338652026

+ **BAIL APPLN. 2982/2026**

ANUJ

.....Petitioner

Through: Mr. Hari Krishan, Advocate.
versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
State.
SI Suresh Bhatia, PS Timarpur.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **14.09.2026**

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks regular bail in connection with FIR No. 301/2022 registered at PS Timarpur, Delhi, under Sections 147/148/149/302/34/174A of the Indian Penal Code. This is his first bail application before this Court.

2. The case of the prosecution is that on the night previous to the occurrence there had been a quarrel in which the deceased's brother was injured and that on 13.08.2022 at about 4.30 p.m. Rahul Pani Wala, Ajay, Sanjay @ Jadu and Mukesh caught hold of one Sunil @ Gunni by his hair and assaulted him. The deceased expired during treatment, the post-mortem attributing death to blunt force impact to the head. The FIR was initially



registered under Sections 304/34 of the IPC, Sections 147/148/149 being added thereafter and Section 174A invoked against the applicant and co-accused Deepak.

3. Learned counsel submits that the applicant has been in custody since 26.03.2024, having undergone approximately two years and six months of incarceration. It was further stated that out of the seven accused, five, including the main accused Rahul Manocha, have been granted bail, while only the applicant and co-accused Deepak remain in custody. Furthermore stated that the applicant has no previous criminal involvement as stated in the report of the State Crime Records Bureau and having regard to the stage of the trial, its conclusion is not likely in the near future.

4. The submissions are strongly opposed by the learned APP for the State. He submits that, having regard to the seriousness of the allegations, the applicant is not entitled to the grant of regular bail. It is further the case of the prosecution that the applicant was identified by an eye-witness in the Test Identification Parade proceedings and that he absconded and was declared a proclaimed offender on 27.03.2023, on which account Section 174A of the IPC was invoked. It was further stated that he was arrested on 26.03.2024 and that the public witnesses are yet to be examined *qua* him.

5. As per the Status Report, five co-accused, namely Nitin @ Tillu, Ajay Gupta, Sanjay @ Jadu, Rahul Manocha and Mukesh, have been granted bail between 10.03.2023 and 19.10.2024. Of the 31 witnesses cited, only seven have been examined. The applicant's earlier bail applications were dismissed on 16.05.2025 and 04.06.2026.

6. I have considered the submissions made by learned counsel appearing for the parties and perused the record.



7. The parameters governing the grant of regular bail in non-bailable offences are well settled. In **Prasanta Kumar Sarkar v. Ashis Chatterjee**¹, the Supreme Court held as follows:

“9. ...It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are: (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail...”

8. The object of bail, as explained in **Sanjay Chandra v. Central Bureau of Investigation**², is neither punitive nor preventive but to secure the appearance of the accused at his trial and in **Dataram Singh v. State of U.P.**³, it has been reiterated that bail is the rule and its refusal the exception. As regards the likely progress of the trial, it was held in **State of Kerala v. Raneef**⁴, as under:

“15. In deciding bail applications an important factor which should certainly be taken into consideration by the court is the delay in concluding the trial. Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody?”

9. Applying these parameters, the statement of HC Manoj, who first reached the spot, does not name the applicant. The FSL found the video recording unaltered, showing Rahul Manocha, Mukesh and Deepak assaulting the deceased. No recovery was effected from the applicant, whose alleged role is limited to catching the deceased and assaulting him. Rahul Manocha, who is seen in the video and whose T-shirt allegedly bears the deceased's matching DNA and three other co-accused have been granted bail. The applicant's case,

¹ (2010) 14 SCC 496.

² (2012) 1 SCC 40.

³ (2018) 3 SCC 22.

⁴ (2011) 1 SCC 784.



prima facie, stands on a better footing.

10. The applicant was declared a proclaimed offender on 27.03.2023 and arrested on 26.03.2024. He has since remained in custody for about two years and six months. He has no previous criminal involvement and only seven of the thirty-one witnesses have been examined. The apprehension of absconding or influencing witnesses can be addressed by appropriate conditions.

11. Bearing in mind the overall facts and circumstances, the applicant is directed to be released on regular bail, subject to such conditions as may be imposed by the Trial Court.

12. The application stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 14, 2026/aks