



2026:DHC:8476



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 28.09.2026

CNR No.DLHC010300622026

+ BAIL APPLN. 2684/2026

(8) AMIT ALIAS GOLU

.....Petitioner

Through: Mr. Ayyub Ahmad, Mr. Anis Ahmad,
Mr. Shakir Ali, Mr. Shaad Miya and
Ms. Aafreen Anis, Advs.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for State.
Inspector Babulal and SI Gunjan, PS
Sangam Vihar.

CNR No.DLHC010362502026

+ BAIL APPLN. 3196/2026

(9) RAMZAN ALI

.....Petitioner

Through: Mr. Pratyush Prasanna and Mr.
Saumya Yadav, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for State.
Inspector Babulal and SI Gunjan, PS
Sangam Vihar.

CNR No.DLHC010384532026

+ BAIL APPLN. 3395/2026 and Crl.M.A.25373/2026

(10) VIKAS

.....Petitioner

Through: Ms. Chitra Goswami, Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for State.
Inspector Babulal and SI Gunjan, PS
Sangam Vihar.



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CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

CrI.M.A.20395/2026 (Exemption from filing certified copies of annexures)
in BAIL APPLN. 2684/2026

CrI.M.A.25372/2026 (Exemption from filing certified copies of annexures)
in BAIL APPLN. 3395/2026

1. These applications are disposed of with a direction to the applicants to file certified copies of the annexures, before the next date of hearing.

BAIL APPLN. 2684/2026

BAIL APPLN. 3196/2026

BAIL APPLN. 3395/2026

2. These three applications filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) seek regular bail in FIR No. 621/2021, dated 20.12.2021, registered at PS Sangam Vihar, South Delhi, under Sections 394/395/302/34/174A of the Indian Penal Code, 1860 (hereinafter “IPC”) (originally registered under Sections 394/34 of the IPC).

3. The matters are pending trial before the Additional Sessions Judge-03 (South), Saket Courts, Delhi in SC 153/2022, titled *State vs. Ramzan Ali & Ors.*

4. As these applications arise from the same incident and pertain to the same FIR, they are decided by way of this common order.

5. The prosecution’s case is that on the intervening night of 19.12.2021 and 20.12.2021, Pankaj and his friend Jatin were returning from a birthday party. In Gali No. 3, Sangam Vihar, New Delhi, they were stopped by several persons, who robbed them, beat them with stones, fists and kicks,



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and threw them into a drain. Jatin died on 22.12.2021.

6. Charges *qua* Ramzan Ali (applicant in Bail Appln. No. 3196/2026) were framed by Sh. Anil Kumar, Additional Sessions Judge-03 (South), Saket Courts, New Delhi, in SC 153/2022, *vide* order dated 29.07.2022 under Sections 396/302/34/307 of the IPC. Subsequently, Sh. Sanjeev Kumar Singh, Additional Sessions Judge-03 (South), Saket Courts, New Delhi, in SC 153/2022, framed charges *qua* Vikas (applicant in Bail Appln. No. 3395/2026) and Amit @ Golu (applicant in Bail Appln. 2684/2026) *vide* order dated 07.07.2023 under Sections 302/34/396/307 of the IPC.

7. It is submitted that Pankaj, the injured/complainant, died before the Trial began.

8. It transpires that the applicants have been in custody for a substantial period of time:

- a. Ramzan Ali (applicant in Bail Appln. No. 3196/2026): 4 Years, 8 Months.
- b. Vikas (applicant in Bail Appln. No. 3395/2026): 3 Years, 11 Months.
- c. Amit @ Golu (applicant in Bail Appln. 2684/2026): 3 Years, 5 Months.

9. It is conceded by learned APP, on behalf of the State, that all the public witnesses have been examined. The case is now fixed for evidence of official witnesses.

10. It is also a matter of record that three co-accused persons (namely, Naseem Khan, Riyaz @ Kohinoor, and Rahul @ Suman) are on bail. These bail orders are attached as Annexure-5 to the Bail Appln. No. 3196/2026.



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11. Reference can be made to an order dated 20.05.2020 in **Riyaz @ Kohinoor v. State of NCT of Delhi, Bail Appln. 465/2026**, passed by a Coordinate Bench of this Court, whereby bail was granted to co-accused Riaz @ Kohinoor. The said order reads as under:

“6. This Court notes that the present accused/applicant is in judicial custody for the last four and a half years, and out of 36 witnesses, only 14 witnesses have been examined till date, and trial will take time to conclude. Further, eye-witness Pankaj has unfortunately passed away.”

12. In the above conspectus, learned counsel for the applicants claims parity with the other co-accused.

13. Learned counsel for the applicants also submits that the applicants have been in custody for a long period. It is also emphasised that the public witnesses have already been examined, and that the applicants cannot be indefinitely incarcerated.

14. Learned APP for the State opposes these applications on the basis of the gravity of the offence. It is also pointed out that the applicants Vikas (in Bail Appln. No. 3395/2026) and Amit @ Golu (in Bail Appln. No. 2684/2026) were declared proclaimed offenders on 09.06.2022.

15. It is apprehended that the applicants may threaten or influence witnesses.

REASONING

16. The considerations relevant to bail, especially in cases under Section 302 of the IPC, have been delineated by the Supreme Court in **State of Maharashtra v. Sitaram Popat Vetal, (2004) 7 SCC 521**:

“6. There is a need to indicate in the order, reasons for prima facie concluding why bail was being granted particularly where an accused was charged of having committed a serious offence. It is necessary for



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the courts dealing with application for bail to consider among other circumstances, the following factors also before granting bail, they are:

1. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
2. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.
3. Prima facie satisfaction of the court in support of the charge.”

17. The Supreme Court in **Gurcharan Singh v. State (Delhi Admn.)**, (1978) 1 SCC 118, while distinguishing the power of the Magistrate under Section 437(1) of the Code of Criminal Procedure, 1973 (hereinafter “CrPC”) and the Sessions/High Court under Section 439(1) of the CrPC to grant bail in heinous offences like Section 302 of the IPC, made the following observation regarding the considerations for bail in heinous offences:

“24. Section 439(1) CrPC of the new Code, on the other hand, confers special powers on the High Court or the Court of Session in respect of bail. Unlike under Section 437(1) there is no ban imposed under Section 439(1), CrPC against granting of bail by the High Court or the Court of Session to persons accused of an offence punishable with death or imprisonment for life. It is, however, legitimate to suppose that the High Court or the Court of Session will be approached by an accused only after he has failed before the Magistrate and after the investigation has progressed throwing light on the evidence and circumstances implicating the accused. Even so, the High Court or the Court of Session will have to exercise its judicial discretion in considering the question of granting of bail under Section 439(1) CrPC of the new Code. The overriding considerations in granting bail to which we adverted to earlier and which are common both in the case of Section 437(1) and Section 439(1) CrPC of the new Code are the nature and gravity of the circumstances in which the offence is committed; the position and the status of the accused with reference to the victim and the witnesses; the likelihood, of the accused fleeing from justice; of repeating the offence; of jeopardising his own life being faced with a grim prospect of possible conviction in the case; of tampering with witnesses; the history of the case as well as of its investigation and other relevant grounds which, in view of so many valuable factors, cannot be exhaustively set out.”

(emphasis supplied)



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18. Accordingly, the consideration relevant to bail in the present matters includes the nature of allegation/s and the evidence, the severity of the punishment, the danger of the accused absconding and tampering with evidence or witnesses.

19. These factors have to be juxtaposed against the well-settled legal position, reiterated by the Supreme Court in ***State of Rajasthan v. Balchand*, (1977) 4 SCC 308**. The apex Court therein remarked, “*the basic rule may perhaps be tersely put as bail, not jail*” (emphasis supplied).

20. The following aspects weigh with the Court.

21. The applicants, namely, Ramzan Ali, Vikas, and Amit @ Golu have been in custody for a lengthy period of 4 Years, 8 Months; 3 Years, 11 Months; 3 Years, 5 Months, respectively.

22. The charges were framed against Ramzan Ali, Vikas, and Amit @ Golu on 29.07.2022, 07.07.2023, and 07.07.2023, respectively. Therefore, the trial has been in progress for over three years.

23. The injured/eyewitness (Pankaj) expired before the trial could even begin.

24. The prosecution’s case against the applicants’ identity principally rests on PW-10 (brother of deceased/victim Jatin), who identified the assailants from the CCTV footage issued to him several months after the incident. It is pointed out that his earlier statement to the police neither named any assailant nor referred to any footage. Whereas the weight of this identification is a matter for the trial, it has been cited by the applicants as one of the circumstances in their favour.

25. Further, it can be noted that whereas PW-01 (father of the deceased)



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in his statement dated 24.02.2024 deposes that both PW-10 and he went to the spot of occurrence on the night of the incident to carry the deceased back home, PW-10 in his statement dated 08.04.2025 does not attribute any role to the father in either discovery or in carrying back the deceased. Without commenting on the impact of this *prima facie* inconsistency, the same is, nonetheless, relevant for the purpose of satisfaction of the conditions specified in ***Sitaram Popat Vetal (Supra)*** for granting bail in the present case.

26. Learned Additional Sessions Judge-03 (South), Saket Courts, New Delhi, while granting bail to co-accused Rahul, *vide* order dated 02.06.2026 in Bail Matter 1095/2026, titled “*State vs. Rahul @ Suman*”, remarked, “*Perusal of testimony of PW-10 Aditya shows that allegations against accused are of beating deceased but no weapon/stone piece is stated to have been used by accused in beating Jatin*” (emphasis supplied).

27. All the public witnesses have been examined. The witnesses left for examination and to be summoned by the Trial Court are official witnesses. As such, the risk of the applicants influencing the material witnesses has substantially abated.

28. Concedingly, the offence under Section 302 of the IPC is of grave, heinous, and serious nature. However, it is settled by the Supreme Court in ***Prabhakar Tewari v. State of U.P., (2020) 11 SCC 648***, that this cannot be the sole factor for rejecting the plea for bail. Therefore, the present plea cannot be rejected exclusively on this ground.

29. It also appears that there is no certainty as to the time that will be consumed in completion of the trial. The applicants cannot be in judicial



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custody indefinitely, pending trial. By refusing the applicants' plea for bail, the pre-trial incarceration of the applicants cannot be given a punitive character. It is aptly remarked by the Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40:***

*“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. **The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction,** and that every man is deemed to be innocent until duly tried and duly found guilty.*

*22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. **In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.**”*

(emphasis supplied)

30. It would also be worth noting the Supreme Court's decision in ***Zahur Haider Zaidi v. CBI, (2019) 20 SCC 404***, wherein the apex Court released a person accused under Section 302 of the IPC on bail, because not only had he been in custody for 19 months, but also the completion of trial would have taken some time.

31. In the circumstances, the applicants are admitted to regular bail in FIR No. 621/2021 on furnishing of a personal bond of Rs.25,000/-, with one surety of the like amount to the satisfaction of the Trial Court, subject to the



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following conditions:

- i. The applicants/accused shall not leave NCT of Delhi or travel out of the country without prior permission of the Trial Court;
- ii. The applicants/accused shall provide his permanent address to the Trial Court, and also the address where he will be residing during the pendency of the case;
- iii. The applicants/accused shall intimate the Investigating Officer (IO) and file an affidavit before the Trial Court regarding any change in his residential address;
- iv. The applicants/accused shall furnish his mobile number to the Investigating Officer (IO)/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall be kept switched on, with location services enabled at all times, and the same shall be shared with the IO. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;
- v. The applicants/accused shall report to the IO as and when called for by the IO.
- vi. The applicants/accused shall not directly or indirectly contact the complainant/victim, any prosecution witness, and their family members;
- vii. The applicants/accused shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever;



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- viii. The applicants/accused shall appear before the Trial Court on each and every date of hearing;
 - ix. The applicants/accused shall not indulge in any criminal activity during the period of bail; and
 - x. The applicants/accused shall report to the concerned SHO, on the first Monday of every month at 11:00 a.m. and be discharged by 12:00 noon, after recording his presence and completion of the necessary formalities.
32. If any of these conditions is breached, it shall be open for the State to seek cancellation of bail.
33. The applications are disposed of in the above terms. The pending application also stands disposed of.
34. The Trial Court is requested to expedite the trial proceedings to the extent feasible.
35. It is clarified that the observations made herein are solely for the purpose of deciding the present bail application and shall neither influence the trial proceedings nor be construed as an expression of opinion of this Court on the merits of the case.
36. Let a copy of this order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

SACHIN DATTA, J

SEPTEMBER 28, 2026/cl/vk