



2026:DHC:2713



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

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*Date of Decision: 01.04.2026*

+ **BAIL APPLN. 1355/2025**

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.....Petitioner

Through: Mr. Pankaj, Advocate.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State  
with SI Manoj Kumar, SI Data Ram  
and SI Lalit Kumar.

**CORAM: JUSTICE GIRISH KATHPALIA**

**JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 931/2023 of Police Station Sarai Rohilla for offence under Section 307/195A/506/120B/34 IPC & Section 83 of JJ Act.

1.1 This bail application came up for the first hearing on 07.04.2025 before the predecessor bench and thereafter continued getting adjourned before different benches. Along with 179 such old pending bail applications, this application also was transferred to this bench.



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1.2 Today is the first hearing before me. I have heard learned counsel for accused/applicant as well as learned APP for State. As regards the IO of the case, as discussed hereafter, in this case also, the police officials present in the courtroom tried their best to mislead this Court or at least create confusion so that the matter gets again adjourned. There are three police officials present in this matter, none of whom have briefed the learned prosecutor before commencement of the hearing. Their conduct is described in paragraph 8 of this order.

2. Broadly speaking, allegation against the accused/applicant is that he along with co-accused persons threatened an eye witness of a murder case by way of the co-accused persons assaulting the said eye witness namely, Iqbal Ahmad at his shop. The accused/applicant was not present at the time of the said assault, as per prosecution. The accused/applicant was roped in on the basis of disclosure statements of the alleged assailants.

3. Learned counsel for accused/applicant contends that there is no evidence against the accused/applicant apart from the disclosure statement, which is not admissible evidence against him. It is further submitted that accused/applicant is in jail since 13.01.2024.

4. Learned APP for State opposes the bail application on instructions of the said three police officials present in court, alleging that at the time of arrest of the accused/applicant, his mobile phone was seized and the same was found to contain four videos of reconnaissance of the Tis Hazari Court Complex, which shows that the accused/applicant and his associates were



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planning to assail the eye witness in court complex and that is a serious issue.

5. It is pointed out by learned counsel for accused/applicant that after forensic examination, the FSL report of the said mobile phone reported that no video/picture was found from the data retrieved from that mobile phone.

6. Since no such video of the alleged reconnaissance was found by FSL in the mobile phone of the accused/applicant, learned prosecutor in all fairness admits that there is no cogent evidence to keep the accused/applicant in jail.

7. On this aspect, SI Manoj Kumar submits that he had personally seized the said mobile phone and had even examined the said four videos, but he did not retain mirror image thereof. Not only this, the FSL report is dated 22.08.2025, but admittedly, till date the investigating agency has not made even a whisper that the FSL report is incorrect.

8. Further, as mentioned above, three police officials have appeared today to oppose this bail application. Initially, when the FSL report was pointed out, SI Manoj Kumar stated that he investigated the case only till arrest of the accused/applicant. At that stage, SI Data Ram came forward and stated that it is he who is the IO as he filed the chargesheet. On being called upon to explain as to whether any communication was sent to the FSL, both of them stated that the IO is on his way with the police file. Immediately thereafter, SI Lalit Kumar came with the file but stated that he is not the IO. There is complete confusion at the prosecution side as to who



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is the IO of the case.

8.1 At this stage, learned APP for State, on instructions of SI Data Ram submits that there are two more IOs, namely SI Vipin, who filed the FSL report and SI Devender, who filed the Call Detail Report. But neither of those IOs have appeared. To say the least, this is not how liberty of an individual should be dealt with.

9. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and 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.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant. As requested by learned APP for State, a copy of this order be also sent to the DCP (Legal), Delhi Police through the Standing Counsel for information and necessary action.

**GIRISH KATHPALIA  
(JUDGE)**

**APRIL 1, 2026/as**