



2025:DHC:6334



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

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Date of Decision: 01.08.2025

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BAIL APPLN. 2047/2025 & CRL.M.A. 16738/2025

PIYUSH SHARMA @ KALE

.....Petitioner

Through: Ms. Shweta Mehta and Mr. Prem
Kishore Tripathi, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with Inspector Sanjay Kumar and
Inspector Bijender, PS Bindapur.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 141/2021 of PS Bindapur for offence under Section 302/307/34 IPC. Broadly speaking, the allegation against the accused/applicant is that he inflicted multiple stab wounds to the first informant as well as brother of the first informant. On account of multiple stab injuries, brother of the first informant died.

2. Learned counsel for accused/applicant submits that there is no eye witness of the alleged stabbing. It is further submitted that on account of delay in trial, the accused/applicant deserves to be granted bail. Finally, learned counsel for the accused/applicant contends that on principles of



parity, the accused/applicant deserves to be granted bail because co-accused Siraj, Monu and Sandeep were granted bail.

3. On the other hand, learned APP assisted by IO/Inspector Sanjay Kumar submits that there is no delay in trial insofar as the charge was framed on 11.11.2021 and by now 19 out of 25 prosecution witnesses stand examined. Learned APP further submits that the bail application deserves to be summarily dismissed on account of concealment of order dated 05.05.2025 of this Court.

4. It appears that earlier, the accused/applicant filed a bail application but the same was dismissed as withdrawn vide order dated 02.04.2025. Thereafter, the accused/applicant filed a miscellaneous application seeking modification of order dated 02.04.2025 and that miscellaneous application was dismissed vide order dated 05.05.2025 with costs. It is submitted by learned counsel for the accused/applicant that cost dated 05.05.2025 has been duly deposited and she has shown me the cost receipt.

5. So far as the ground of delay in trial is concerned, the charge having been framed on 11.11.2021 and 19 out of 25 prosecution witnesses having been examined, I do not find it to be a case of a delay in trial for which the accused/applicant be released on bail especially in this case of gruesome killing.

6. As regards the eye witness, in his FIR, brother of the deceased, who



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himself was also stabbed clearly stated that the accused/applicant inflicted multiple stab wounds on the deceased Suraj Prakash.

7. So far as the ground of parity is concerned, the Court has to keep in mind the role ascribed to the concerned accused persons. As mentioned above, it is the accused/applicant who inflicted stab injuries leading to death of the deceased. None of the remaining accused persons namely Siraj, Monu and Sandeep inflicted the fatal injuries. Therefore, the accused/applicant cannot claim parity with their case.

8. In view of above circumstances, I do not find it a fit case to grant bail to the accused/applicant. The bail application and the pending miscellaneous application are dismissed. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 1, 2025/dr