



2026:DHC:6404



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 07.08.2026*# **CNR No. DLHC010361052026**+ **BAIL APPLN. 3178/2026 & CRL.M.A. 23934/2026**

PANKAJ

.....Petitioner

Through: Mr. Sujit Kumar amd Mr. Rohit
Singh, Advocates

versus

THE STATE GOVT NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with Inspector Rajiv Ranjan and SI
Amit**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.538/2021 of PS Jahangir Puri for offence under Section 302/365/120B/34 IPC.

2. Broadly speaking, allegation against the accused/applicant is as follows. On 01.06.2021, an information regarding missing of a young boy namely Ashit Das was received at PS Jahangir Puri. On the basis of examination of successive CCTV footages, it got revealed that Ashit Das was abducted by four persons on two motorcycles and was taken inside the



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metro construction site behind Majlis Park metro station after which those four persons were visible coming out but the abducted boy was not seen. Those four persons on motorcycles were identified to be the security staff of metro. Subsequently, dead body of the abducted boy was recovered. Further investigation revealed that the dead body was thrown away in drainage in an effort to destroy evidence.

3. Learned counsel for accused/applicant submits that the accused/applicant is in custody since the year 2021 and long incarceration in itself is a ground for bail. It is also submitted that all material witnesses stand examined in trial. It is submitted that the deceased was suspected to be a thief, involved in theft of iron *sarias* from metro construction site. No other argument has been presented.

4. Learned APP for State assisted by IO Inspector Rajiv Ranjan accepts notice and strongly opposes the bail application on the ground of gravity of the offence. It is also stated that some of the witnesses of recoveries of the weapons allegedly used in the assault are yet to be examined by the trial court, though eight prosecution witnesses out of twenty-nine have already been examined.

5. Of course, long incarceration is a vital ground while considering grant of bail. But that is not the only ground, which can be invoked, ignoring the gravity of the offence. The accused/applicant along with his three associates, being the security staff of metro, not just abducted a young boy on suspicion



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of his being thief, but also took him to a deserted construction site and killed him with *dandas* and rods according to prosecution. Even if the deceased was a thief, as suspected by the accused persons, nothing permitted them to take law in their hand instead of handing him over to the police. Merely because the accused persons were security staff of metro, they had no legal authority to assault the deceased.

6. As mentioned above, vital witnesses of prosecution related to recoveries of the weapons of offence are yet to be examined in trial.

7. Considering the above factors, I do not find it a fit case to release the accused/applicant on bail at this stage. The bail application as well as the accompanying application is dismissed.

8. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant immediately.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 07, 2026_{as}