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

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*Date of Decision: 17.03.2026*

+ **BAIL APPLN. 276/2025**

DEEPAK @ JUDI

.....Petitioner

Through: Mr. M.L. Yadav and Mr. Harish  
Chand, Advocates.

versus

STATE (N.C.T.OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State  
with Inspector Khemendra Pal Singh.

**CORAM: JUSTICE GIRISH KATHPALIA**

**JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 158/2020 of PS Budh Vihar for offence under Section 302/34 IPC and 25/27/54/59 Arms Act.

1.1 This bail application came up for the first hearing on 23.01.2025 before the predecessor bench and thereafter continued getting adjourned before different benches. Vide order dated 02.05.2025, the predecessor bench after detailed analysis of medical records granted interim bail to the accused/applicant on the ground that he is suffering with chronic Myeloid



Leukemia. That interim bail was continued on date to date basis before different predecessor benches. Till date, that interim bail continues. Along with 179 such old pending bail applications, this application was transferred to this bench.

1.2 Today is the first hearing before me. I have heard learned counsel for accused/applicant and learned APP for State.

2. Broadly speaking, the FIR was registered on the statement of one Deepanshu, who alleged that in the course of altercation between the deceased Harshdeep Singh and accused Sandeep, one tall boy assaulted the deceased Harshdeep with multiple stabs and thereafter the accused persons fled away. That tall boy is allegedly the accused/applicant.

3. Learned counsel for accused/applicant submits that the accused/applicant is innocent and has been falsely implicated in this case. It is also submitted that despite the fact that the accused/applicant was not named in the FIR and was not known to the complainant *de facto*, the IO did not conduct Test Identification Parade. Further, it is submitted that the accused/applicant is suffering with Stage IV cancer, which in itself is a sufficient ground for bail.

4. Learned APP for State assisted by IO/Inspector Khemendra Pal Singh opposes the bail application on the ground that the accused/applicant was duly identified by the complainant *de facto* in the course of investigation as



well as in his testimony in trial court and was arrested at the instance of complainant *de facto*. As regards medical ground, it is contended that the accused/applicant is being administered appropriate medical treatment. Rather, according to learned APP, when the accused/applicant was on interim bail granted by the predecessor bench, he got involved in a robbery case.

5. Learned counsel for accused/applicant discloses that in the said robbery case, the accused/applicant was released because the Test Identification Parade failed.

6. It is submitted by both sides that the remaining accused persons already stand released on bail.

7. Keeping in mind the medical condition of the accused/applicant coupled with the fact that identification of the accused/applicant was carried out only in the course of investigation and during trial, there being no reason advanced by State for failure to conduct Test Identification Parade, I find no reason to further deprive the accused/applicant liberty.

8. Therefore, the application is allowed and the 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.



2026:DHC:2216



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

**GIRISH KATHPALIA  
(JUDGE)**

**MARCH 17, 2026/ry**