



2026:DHC:6759



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

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Date of Decision: 17.08.2026

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CNR No. DLHC010275082026

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BAIL APPLN. 2435/2026

DEVENDER @ JOHNY

.....Petitioner

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

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
(*through videoconferencing*) with
Inspector Puneet Bharti, PS Nangloi.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 185/2023 of PS Nangloi for offence under Section 302/323/34 IPC.
2. After last date, status report was filed. I have heard learned counsel for accused/applicant and learned APP for State assisted by Investigating Officer/Inspector Puneet.
3. Broadly speaking, prosecution case is as follows. On 14.02.2023, a PCR call was recorded by way of a General Diary to the effect that younger brother of caller had been stabbed by persons who own RTV, and the



injured has been shifted to Sonia Hospital in a serious condition. The Investigating Officer reached the hospital and found the injured Sahil declared dead. One alleged eye witness, namely Amanul Haq gave his statement to the Investigating Officer to the effect that when he was present with the deceased at their workplace, the deceased received a phone call from Vishal that some persons had damaged their motorcycle at Kavita Colony turn and asked him to take the motorcycle from there to his home; that thereafter on reaching the said place, the deceased allegedly found the motorcycle in a damaged condition and in the meanwhile, his cousin Nadim also reached; and that when they tried to remove the motorcycle, few persons attacked them, and one of them, namely Sunny inflicted multiple stab blows on chest and other body parts of Sahil, after which all of them fled the spot.

4. On behalf of accused/applicant, it is argued by learned counsel that there is no allegation against him at all. It is submitted by learned counsel for accused/applicant that the only role ascribed to the accused/applicant in the course of investigation is that he was present on the spot when the alleged stabbing took place. The accused/applicant is in custody since 09.05.2024, so deserves now to be released. It is also submitted that co-accused Rahul, who also was allegedly simply present on the spot, has already been granted bail by this Court.

5. Learned APP for State strongly opposes the bail application on the ground that the accused/applicant had caught hold of the eye witness Nadim



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and had beaten him up. Besides, it is also submitted by learned APP that the Test Identification Parade (TIP) held *qua* the present accused/applicant was successful. It is also contended that apart from the present case, the accused/applicant is also involved in one case of attempt to murder and one case under Arms Act, so he does not deserve bail.

6. Admittedly, according to the investigation carried out, the only role ascribed to the accused/applicant is his presence at the spot at the time of the alleged stabbing. Even the allegation that the accused/applicant caught hold of the eye witness Nadim came up by way of subsequently recorded statement of Nadim much later. Even otherwise, it is nobody's case that the accused/applicant prevented Nadim from trying to rescue the deceased.

7. As regards the alleged antecedents, admittedly, the accused/applicant is on bail in both those cases.

8. So far as the successful TIP is concerned, according to prosecution case, the alleged incident took place on 14.02.2023 but the TIP was carried out after more than one year on 13.05.2024. Although prosecution explains that the delay occurred because the accused/applicant had become a proclaimed offender, but while testing the strength of the TIP proceedings for limited purposes of bail, this period would be significant. Of course, none of these observations shall have bearing on the final outcome of trial and at that stage, the learned trial court shall take an independent view on the basis of evidence adduced during trial.



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9. As mentioned above, co-accused Rahul with exactly similar role has already been granted bail by this Court.

10. 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 learned Trial Court.

11. As requested by learned APP for State, it is specifically directed that the accused/applicant shall not try to contact any of the witnesses of the prosecution.

12. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 17, 2026/dr