



2025:DHC:5868



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.07.2025

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BAIL APPLN. 1696/2025**VIRENDER@KALU**

.....Petitioner

Through: Mr. Gaurav Kochar and Mr. Vishal,
Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with Inspector Pushpender and SI
Biraj Salvi, PS Sarai Rohilla.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant, in jail for about past five years seeks regular bail in case FIR No. 88/2020 of PS Sarai Rohilla for offence under Section 392/397/452/506/34 IPC.
2. In furtherance of last order, Status Report pertaining to forty three other cases in which the accused/applicant is involved was filed according to learned APP, but the same not being on record, copy of the Status Report has been shown to me. Learned APP admits that in all those forty three cases, the accused/applicant was either acquitted or granted bail at the stage of trial or appeal or was discharged or the offence was compounded.
3. Learned counsel for accused/applicant submits that incarceration for five years in itself is a ground to release the accused/applicant on bail.



2025:DHC:5868



4. As observed in last order, there are only two public witnesses in this case, namely Ms. Chitra Gupta and Mr. Hemchand Gupta. Ms. Chitra Gupta in her testimony stated that she identified the accused/applicant during TIP proceedings only on the basis of physical attributes and otherwise she had not seen his face. Similarly, Mr. Hemchand Gupta in his testimony stated that since at the time of the alleged robbery, the robbers were wearing a mask, he could not identify any of them. There is no other evidence of identity of the accused/applicant and his complicity in the alleged offence.

5. In view of the above mentioned evidence regarding identity of the accused/applicant, he cannot be kept in jail endlessly in this case. As mentioned above, in the remaining forty three cases, he cannot be kept in jail at present. Therefore, it is a fit case to grant liberty to the accused/applicant in the present case.

6. The application is allowed and 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, the accused/applicant be released on bail.

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

**GIRISH KATHPALIA
(JUDGE)**

JULY 22, 2025/DR