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

Reserved on: 19th November, 2026
Pronounced on: 23rd November, 2026
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\# **CNR No. DLHC010272712026**

\+ BAIL APPLN. 2413/2026

JAGDEEP @ SONU .....Petitioner

Through: Mr. Arun Khatri, Ms. Shelly Dixit and Mr. Pranavjeet Singh, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Tarang Srivastav, APP for State with Mr. Abhay Sahni, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. The Applicant seeks regular bail in FIR No. 55/2016, registered at P.S. Crime Branch, Delhi, under Sections 3/4 of the Maharashtra Control of Organised Crime Act, 1999 ["MCOCA"]. His earlier bail application was dismissed by this Court on 28th November, 2025, in BAIL APPLN. 3001/2025. The present application has been filed following the rejection of his subsequent bail application by the Trial Court on 18th April, 2026.

2. The prosecution alleges that Manoj @ Morkheri and his associates constituted an organised crime syndicate involved in murder, kidnapping for ransom, extortion, robbery and other serious offences in Delhi and adjoining States. According to the prosecution, the Applicant was an active member of

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18:45:00

the syndicate and participated in its criminal activities. The present FIR was registered pursuant to approval granted under Section 23(1)(a) of MCOCA. Charges were directed to be framed on 9th March, 2022, and the trial is presently at the stage of prosecution evidence.

3. Mr. Arun Khatri, counsel for the Applicant, submits that although this Court had earlier declined bail, nearly one year has since elapsed and the Applicant has now undergone more than seven years and nine months of incarceration. He submits that several co-accused, including Arun @ Kala, Jitender Dixit @ Bantu and Naresh Kumar @ Pahelwan, have been granted bail by this Court, principally having regard to their prolonged custody and the likely duration of the trial. The Applicant, it is argued, now stands on a substantially comparable footing.

4. Mr. Khatri further submits that the Applicant has been acquitted in seven of the nine criminal cases referred to in the State's status report, including FIR No. 497/2011, P.S. Prashant Vihar, which formed part of the material relied upon for invoking MCOCA. As regards the remaining cases, the Applicant stands convicted in FIR No. 356/2018, P.S. Sadar Hansi, Haryana, but his sentence has been suspended by the Punjab and Haryana High Court. He has also been granted bail in FIR No. 182/2017, P.S. Bass, Hisar, which involves allegations under Section 302 IPC. It is submitted that his conviction in one case cannot, by itself, justify continued detention for an indefinite period in the present prosecution.

5. Mr. Tarang Srivastav, APP for the State, opposes the application. He submits that the grounds now urged were substantially considered by this Court while rejecting the Applicant's earlier bail application on 28th November, 2025, and that the further passage of time, by itself, does not

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Signing Date:23.11.2026
18:45:00

constitute a material change in circumstances. He points out that the Applicant remained absconding for nearly three years after registration of the present FIR and was declared a proclaimed offender on 18th September, 2017. During the period of abscondence, the Applicant was allegedly implicated in five further criminal cases, including three involving allegations of murder. In FIR No. 356/2018, P.S. Sadar Hansi, Haryana, he was convicted for offences including Section 307 IPC. The State also relies upon FIR No. 371/2025, registered in Haryana under Section 111(2)(a) BNS and the Arms Act, concerning his alleged association with another organised crime syndicate. Although the Applicant has secured bail in that case, his antecedents and past conduct, give rise to a substantial apprehension that he may resume criminal activities if released. Mr. Srivastav further submits that the orders granting bail to the co-accused are distinguishable, having regard to their longer periods of incarceration and the Applicant's history of evading the process of law. He accordingly contends that the statutory conditions under Section 21(4) of MCOCA remain unsatisfied.

6. The Court has considered the submissions and examined the material placed on record. The earlier order dated 28th November, 2025, deserves particular attention. This Court had noted that the Applicant evaded the process of law, was declared a proclaimed offender on 18th September, 2017, and was eventually arrested on 4th February, 2019, following his apprehension in another criminal case. His conviction in FIR No. 356/2018, arising out of an offence committed during the period of abscondence, was considered significant.

7. Section 21(4) of MCOCA imposes stringent conditions for release on bail. Where the Public Prosecutor opposes the application, the Court must be

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18:45:00

satisfied that reasonable grounds exist for believing that the accused is not guilty of the offence and is unlikely to commit an offence while on bail. In ***Ranjitsing Brahmajeetsing Sharma v. State of Maharashtra***,[1] the Supreme Court explained that this provision does not require a positive finding of innocence at the stage of bail. The assessment must proceed on broad probabilities, with due regard to the material collected during investigation, the antecedents of the accused and the likelihood of further criminal activity of the nature contemplated by MCOCA.

8. At the same time, prolonged pre-trial detention engages the guarantee under Article 21 of the Constitution. In ***Union of India v. K.A. Najeeb***,[2] the Supreme Court recognised that constitutional courts are not powerless to grant bail where prolonged incarceration and the absence of a realistic prospect of early conclusion of trial render further detention unjustified.

9. The subsequent decision in ***Gulfisha Fatima v. State (Govt. of NCT of Delhi)***,[3] makes clear that delay is not, by itself, decisive. The nature of the allegations, the individual role attributed to the accused, the progress of trial, the causes of delay and the risks associated with release must all be considered. The statutory restrictions remain important, but they do not exclude constitutional scrutiny of continued detention.

10. Turning to the present case, the prosecution relies upon the Applicant's alleged association with the Manoj Morkheri syndicate and his involvement in a number of criminal cases. The outcome of those proceedings is relevant. The State's own status report records that the Applicant has been acquitted in seven cases. Of particular significance is the

[1] (2005) 5 SCC 294.
[2] (2021) 3 SCC 713.

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18:45:00

judgment dated 29th May, 2025, in FIR No. 497/2011, P.S. Prashant Vihar, concerning the alleged kidnapping for ransom. The Trial Court acquitted the Applicant and the other accused after considering the evidence, including the testimony of the victim and his father, who did not support the prosecution case. The said FIR was the one in which the Applicant was directly named amongst the cases relied upon in the proposal for invoking MCOCA.

11. These acquittals do not automatically render the present prosecution unsustainable. The requirement of continuing unlawful activity concerns the alleged activities of the organised crime syndicate, and it is not necessary that each member must have been charge-sheeted in every offence attributed to the syndicate. The prosecution also relies upon a confession allegedly made by the Applicant under Section 18 of MCOCA, acknowledging his association with the syndicate and receipt of part of the ransom amount. That statement cannot be disregarded merely because the Applicant disputes it. Its admissibility, voluntariness and evidentiary worth remain matters for trial. Nevertheless, while the effect of these acquittals upon the prosecution under MCOCA remains a matter for trial, they have some bearing on the assessment of the material relied upon to connect the Applicant with the alleged organised criminal activities.

12. The Applicant's remaining criminal antecedents must also be considered, keeping in mind the distinction between prosecution and conviction. The State's status report records one conviction, namely in FIR No. 356/2018, P.S. Sadar Hansi, for offences under Sections 186, 353 and 307 IPC and the Arms Act. The Applicant was sentenced to five years'

[3] 2026 INSC 2.

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Signing Date:23.11.2026
18:45:00

rigorous imprisonment, and his sentence was subsequently suspended by the Punjab and Haryana High Court. FIR No. 182/2017, P.S. Bass, Hisar, involving allegations of murder, remains pending trial, although the Applicant has been granted bail in that case. The other murder cases reflected in the status report have resulted in acquittals. Thus, while the Applicant has serious antecedents which cannot be ignored, the record does not establish convictions in the murder cases relied upon by the State.

13. The supplementary status report also refers to FIR No. 371/2025, registered at P.S. Narnaund, Haryana, under Section 111(2)(a) BNS and the Arms Act. The prosecution alleges the activities of another organised crime syndicate headed by Vinod @ Kana @ Panu, with whom the Applicant is alleged to have been associated. The allegations warrant attention, particularly in the context of his antecedents. However, the report does not identify any specific act committed by the Applicant while in custody, and expressly records that no recovery was effected from him. It further confirms that he was granted bail in that case on 5th January, 2026. Registration of the FIR remains a relevant consideration, but cannot be treated as proof that the Applicant continued to engage in organised criminal activity during his incarceration.

14. The question of parity must also be examined against the actual circumstances of the co-accused. Arun @ Kala was granted bail on 7th April, 2025, notwithstanding his conviction for murder and sentence of life imprisonment in another case. Jitender Dixit @ Bantu, who had convictions in two other cases, was granted bail on 19th May, 2025. Naresh Kumar @ Pahelwan was granted bail on 22nd July, 2025, notwithstanding his previous status as a proclaimed offender and his involvement in serious criminal

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Signing Date:23.11.2026
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cases. The Court had earlier distinguished the Applicant's case on account of his prolonged abscondence, subsequent conviction and comparatively shorter period of incarceration. Those considerations remain relevant, and parity cannot be claimed merely because the co-accused have been released. Nevertheless, the further period of custody undergone by the Applicant is a material circumstance requiring consideration. The Court is also conscious that the bail applications of Manoj @ Morkheri and Dheerpal @ Deepak were dismissed on 10th March, 2026. Manoj is alleged to be the leader of the syndicate and has several convictions, whereas Dheerpal was found to have violated the conditions of interim bail and again evaded the process of law.

15. The Applicant has remained in custody since 4th February, 2019. When this Court rejected his earlier bail application on 28th November, 2025, 88 out of 140 prosecution witnesses had been examined. Even on 18th April, 2026, when the Trial Court rejected his subsequent application, material witnesses remained to be examined. The trial has thus continued for several years, with no material presently indicating that its conclusion is imminent. The nominal roll also records satisfactory overall jail conduct and good conduct during the preceding year.

16. The Court remains conscious of the Applicant's antecedents, including his previous abscondence and conviction, and the apprehensions arising therefrom. These considerations, which weighed with the Court on the earlier occasion, continue to remain relevant. Nevertheless, the Applicant's prolonged incarceration, the continued pendency of trial and the period of custody undergone by the co-accused who have secured bail must be given due weight. Considering these circumstances, along with his satisfactory conduct during detention and the absence of any specific act

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18:45:00

attributed to him in the recently registered Haryana FIR, the Court is persuaded that his continued incarceration is no longer warranted and that the concerns associated with his release can be addressed through stringent conditions. This conclusion is based on the circumstances presently obtaining and does not call into question the correctness of the earlier order dated 28th November, 2025.

17. Accordingly, the application is allowed. The Applicant shall be released on regular bail in FIR No. 55/2016, P.S. Crime Branch, Delhi, upon furnishing a personal bond in the sum of INR 50,000/- with two sureties of the like amount each, to the satisfaction of the Trial Court, subject to the following conditions:

(a) The Applicant shall appear before the Trial Court on every date fixed unless his personal appearance is specifically exempted.

(b) He shall furnish his permanent residential address and current mobile number to the Investigating Officer and the Trial Court. His residential address shall be verified before acceptance of the bail bonds.

(c) He shall surrender his passport, if any, before the Trial Court and shall not leave India without its prior permission.

(d) The Applicant will report to the concerned IO on the second and fourth Friday of every month, at 4:00 PM, and will not be kept waiting for more than an hour.

(e) He shall not change his residential address without prior intimation to the Trial Court and the Investigating Officer and shall not change or discontinue his mobile number without prior written intimation.

(f) He shall not contact, threaten, induce or influence any prosecution witness, directly or indirectly, or attempt to interfere with the evidence.

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(g) He shall not engage in any criminal activity and shall not associate with any person for the purpose of committing an offence.

(h) He shall cooperate with the proceedings and shall not seek unnecessary adjournments or otherwise obstruct the progress of the trial.

18. In the event of breach of any of the above conditions, or upon credible material indicating that the Applicant has engaged in criminal activity while on bail, the prosecution shall be at liberty to seek cancellation of bail.

19. The Applicant shall be released only if he is not required to remain in custody in any other case. Nothing in this order shall affect any independent sentence, warrant or custody direction operating against him.

20. The Trial Court shall endeavour to proceed expeditiously and avoid unnecessary adjournments. The observations made herein are confined to the consideration of bail and shall have no bearing on the merits of the prosecution or the defence.

21. The application stands disposed of.

SANJEEV NARULA, J

NOVEMBER 23, 2026/*hc*

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