



2026:DHC:8541



\$~4

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

%

Date of Decision: 30.09.2026# **CNR No. DLHC010317502026**+ **BAIL APPLN. 2834/2026****SANAM DAGAR**

.....Petitioner

Through: Mr. Parveen Tyagi, Advocate
(*through video conferencing*), Mr.
Vaibhav Tyagi and Mr. Harsh Maan,
Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Manjeet Arya, APP for State with
IO/Inspector Ajay Kumar.

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 232/2018 of Police Station Bawana for offence under Section 307/120B/174A/34 IPC & Section 25/27 of the Arms Act.

2. The status report is already on record. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/Inspector Ajay Kumar.

*BAIL APPLN. 2834/2026**Page 1 of 4 pages*

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 30.09.2026
17:22:06

**GIRISH
KATHPALIA**

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH COURT OF DELHI,
2.5.4.20=8401d8889b2777b260ffefefec4
55d9f7962c0b84835d43197926acac,
ou=HIGH COURT OF DELHI, c=IN, postalCode=110003,
serialNumber=04040796451e45c07b50155
70996b4080c2d2ee60402c48796f801e2
80a, cn=GIRISH KATHPALIA
Date: 2026.09.30 17:18:43 +05'30'



2026:DHC:8541



3. Briefly stated, the prosecution case is that the accused/applicant, along with his associates, entered a gym and opened fire. Out of 6-7 rounds of fire, three hit the injured/victim. The entire incident was captured on CCTV and the relevant footage was played in the court, which depicts the present accused/applicant in an orange t-shirt and opening fire with his pistol.

4. Learned counsel for accused/applicant has raised only two grounds seeking bail. Firstly, it is argued that the co-accused Sumit @ Kalu has been granted bail. Secondly, it is argued that the accused/applicant is in jail for past long time, so he now deserves to be released. No other ground has been raised in support of this bail application.

5. At this stage, in the course of dictation, learned counsel for accused/applicant also contends that another ground for bail is that the public witnesses stand examined.

6. Learned APP for State submits that it is the defence counsel, who is responsible for delay in trial. It is pointed out that even after last order in this bail application, when the injured Monu appeared for his cross-examination before the trial court, the learned defence counsel did not appear. Further, it is submitted that the accused/applicant remained a Proclaimed Offender for

BAIL APPLN. 2834/2026

Page 2 of 4 pages

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 30.09.2026
17:22:06

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH COURT OF DELHI,
2.5.4.20=8A01D889B27A77E2B5F1F64EC455
61A07962C0F6B1504139762BACCA, ou=HIGH
COURT OF DELHI, c=IN
postalCode=110003, st=Delhi
serialNumber=3348679643144505765415570
996A408013A24EE0A021487965F8014266A,
cn=GIRISH KATHPALIA
Date: 2026.09.30 17:18:33 +05'30'



2026:DHC:8541



more than one year, because of which the trial proceedings got delayed.

7. So far as the issue of parity with co-accused Sumit @ Kalu is concerned, in my considered opinion, role attributed to him is distinct from that attributed to the present accused/applicant. It is from pistol fired by the present accused/applicant that three bullet injuries were caused to the injured. The co-accused Sumit, though tried but his pistol got jammed and could not function, as per learned APP.

8. As regards prolonged custody of the accused/applicant, it is being observed in a number of cases that initially the defence counsel would somehow protract the trial and thereafter raise the delay in trial as a ground for bail. Such misuse of process has to be understood in its proper perspective. In the present case, the learned counsel for accused/applicant did not place on record ordersheets of the trial court to show that the defence side is not responsible for the time being taken to conclude the trial. Rather, as mentioned above, despite the discussion on these lines recorded in the last order, when the injured Monu appeared before the trial court, the defence counsel opted to stay away from cross examining him. On last date during hearing of this application, the specific date for cross-examination of Monu was fixed by this court as 14.09.2026 in presence of both sides but despite that, the defence counsel opted not to appear before the trial court to cross-examine Monu.

BAIL APPLN. 2834/2026

Page 3 of 4 pages

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 30.09.2026
17:22:06

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH COURT OF DELHI,
2.5.4.20-8403-68890274753260ff6aefc4
5569af962c0b483543597626acac,
ou=HIGH COURT OF DELHI, c=IN, postalCode=110003,
serialNumber=3388796431ac45c07b6155
70996b4078b2d3d2ee06040248796f801e2
dSA, cn=GIRISH KATHPALIA
Date: 2026.09.30 17:18:23 +05'30'



2026:DHC:8541



9. When it comes to the argument that public witnesses stand examined, the unchallenged testimony of the injured Monu stares in the face. Further, even the manner in which the alleged offence was committed is clearly depicted in CCTV footage and the same cannot be ignored.

10. Considering the above circumstances, I do not find it a fit case to grant bail at this stage, so the bail application is dismissed.

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401dd889b27a77b2f65ffffe4a
fec45569af3962c6fb4835d435f97626ca
cca, ou=HIGH COURT OF DELHI, CID -
7047638, postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5
d15570996b40f80cbd2ee60402c48796
5ff801e26fa, cn=GIRISH KATHPALIA
Date: 2026.09.30 17:18:11 +05'30'

GIRISH KATHPALIA
(JUDGE)

SEPTEMBER 30, 2026/ry