$~6 and 7

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

% ***Date of Decision : 14.10.2026***

\# **CNR No.DLHC010303212026**

\+ **BAIL APPLN. 2710/2026**

(6) SONU ALIAS KISHAN CHAND .....Petitioner

Through: Mr. Prashant Singhal, Adv. and Mr. Md. Zeeshan, Adv.

versus

STATE (GNCT OF DELHI) .....Respondent

Through: Mr. Hemant Mehla, APP for the State along with Mr. Naved and Mr. Mayank Chaudhary, Advocates.
Ms. Sheetal, Adv. for complainant (through VC).
SI Dev Chauhan, Crime Branch.

\# **CNR No.DLHC010317982026**

\+ **BAIL APPLN. 2809/2026**

(7) MONU @NAVEEN .....Petitioner

Through: Mr. Prashant Singhal, Adv. and Mr. Md. Zeeshan, Adv.

versus

STATE (G.N.C.T. OF DELHI) .....Respondent

Through: Mr. Hemant Mehla, APP for the State along with Mr. Naved and Mr. Mayank Chaudhary, Advocates.
Ms. Sheetal, Adv. for complainant (through VC).
SI Dev Chauhan, Crime Branch.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*ORAL*)

1. The present applications (being BAIL APPLN. 2710/2026 & BAIL

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APPLN. 2809/2026) have been filed by the applicants under Section 483 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS'), seeking regular bail in FIR No.0617/2022 dated 08.06.2022 registered at P.S. New Usmanpur, district North-East (Delhi) under Sections 324/307/34 of the Indian Penal Code (IPC), 1860.

2. The applicants in both the applications are brothers.

3. The trial (being SC No.338/2022) is pending before the learned Additional Sessions Judge-02, North-East, Karkardooma Courts, Delhi.

4. The bail applications of both the applicants were dismissed by the learned ASJ *vide* order dated 20.05.2026. Since both applications arise out of the same FIR, they have been taken up together and have been disposed of by way of a common order.

5. It is the case of the prosecution that on 07.06.2022, at about 09:30 PM, near Ambedkar Dharamshala, Naya Gaon Usmanpur, the applicants/petitioners along with some other persons assaulted Roshan and Neeraj with a cutter blade.

6. It transpires that during the course of trial, the injured persons have already deposed. However, the cross-examination of injured Neeraj is pending.

7. Learned counsel for the applicants submits that a compromise has been entered into with the complainant/injured persons.

8. During the course of hearing, learned counsel for the complainant, who appears virtually, enters appearance and confirms the factum of compromise.The learned counsel for the complainant does not oppose the bail applications of both the applicants.

9. The considerations relevant to the grant of bail are well settled. They

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19:35:31

include the nature of the accusations, the likelihood of the accused absconding, the stage of the trial, and a reasonable apprehension of witnesses being influenced.

10. In the present case, the following circumstances are before this Court:

(a) the complainant has taken a categorical position that he does not wish to continue the prosecution and does not even oppose the present bail applications of both the applicants;

(b) Quite apart from the above, in any event, the material evidence has largely been secured, and the remaining evidence does not require the continued custody of the applicants.

(c) It is also relevant to note that the applicant in BAIL APPLN. 2710/2026 and the applicant in BAIL APPLN. 2809/2026, have been in custody in since 16.05.2023 and 08.06.2022, respectively.

11. Further incarceration in the above circumstances would become punitive and would be unjustified and the same cannot be allowed. In this regard reference may be had to the observations of the Supreme Court in ***Javed Gulam Nabi Shaikh v. State of Maharashtra***, (2024) 9 SCC 813 which are as follows:-

> *"7.... Over a period of time, the trial courts and the High Courts have forgotten a very well-settled principle of law that bail is not to be withheld as a punishment.*
>
> *8. In the aforesaid context, we may remind the trial courts and the High Courts of what came to be observed by this Court in Gudikanti Narasimhulu v. High Court of A.P. [Gudikanti Narasimhulu v. High Court of A.P., (1978) 1 SCC 240 : 1978 SCC (Cri) 115] We quote : (SCC p. 243, para 5)*
>
> > *"5. … What is often forgotten, and therefore warrants reminder, is the object to keep a person in judicial custody*

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19:35:31

> *pending trial or disposal of an appeal. Lord Russel, C.J., said R. v. Rose [R. v. Rose, (1898) 18 Cox CC 717] :*
>
> > *'I observe that in this case bail was refused for the prisoner. It cannot be too strongly impressed on the magistracy of the country that bail is not to be withheld as a punishment, but that the requirements as to bail are merely to secure the attendance of the prisoner at trial.' ".*

12. Reference may also be made to a judgment of a coordinate Bench of this Court in ***Sumit Mann vs. The State (Govt. of NCT, Delhi) and Anr.,*** BAIL APPLN. 2432/2026 dated 17.08.2026 wherein bail was granted in a case wherein the parties had reached an *inter se* settlement. The Court observed as follows:-

> 18. Having regard to the fact that investigation is complete and chargesheet has been filed, that the applicant has clean antecedents and is stated to have deep roots in society, that the complainant herself, has recorded no objection to the grant of bail, and that the possibility of the applicant influencing the course of the trial stands correspondingly diminished in view of the settlement between the parties, this Court is of the view that the applicant has made out a case for grant of regular bail. After settlement, the possibility of conviction is very remote.
>
> 19. Bearing in mind the aforesaid facts and circumstances, the applicant is directed to be released on regular bail subject to such conditions as may be imposed by the concerned Trial Court.
>
> 20. Application stands disposed of.

13. In the circumstances, both the applicants are admitted to regular bail on furnishing a personal bond in the sum of Rs.25,000/- each, with one surety of the like amount to the satisfaction of the trial Court, subject to the following conditions:

i. The applicants/petitioners shall not leave the NCT of Delhi or

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19:35:31

travel out of the country without the prior permission of the trial Court;

ii. The applicants/petitioners shall provide their permanent address to the trial Court, and also the address where they will be residing during the pendency of the case;

iii. The applicants/petitioners shall intimate the Investigating Officer (IO) and file an affidavit before the trial Court regarding any change in their residential address;

iv. The applicants/petitioners shall furnish their mobile number to the Investigating Officer (IO)/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall be kept switched on, with location services enabled at all times, and the same shall be shared with the IO. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;

v. The applicants/petitioners shall report to the IO as and when called upon to do so;

vi. The applicants/petitioners shall not, directly or indirectly, contact the injured persons or the complainant or their family members or any other prosecution witness;

vii. The applicants/petitioners shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever;

viii. The applicants/petitioners shall appear before the trial Court on each and every date of hearing;

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19:35:31

ix. The applicants/petitioners shall not indulge in any criminal activity during the period of bail; and

x. The applicants/petitioners shall report to the concerned SHO on the first Monday of every month at 11:00 A.M. and be discharged by 12:00 P.M., after their presence is recorded and the necessary formalities are completed.

14. If any of these conditions is breached, it shall be open to the State to seek cancellation of bail.

15. The present applications are disposed of in the above terms. Pending application(s), if any, also stand disposed of.

16. It is clarified that the observations made herein are solely for the purpose of deciding the present bail applications and shall neither influence the trial proceedings nor be construed as an expression of opinion of this Court on the merits of the case.

17. Let a copy of this order be communicated to the concerned Jail Superintendent, electronically, for information and necessary compliance.

SACHIN DATTA, J

OCTOBER 14, 2026/r,nb

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