

30.

BAIL SC/641/2017(IA-26)

ST VS HIMANSHU

FIR No. 820/2017

PS MANGOL PURI

16.05.2026

Ld. Addl. PP for the State is looking after the work of two courts

Present : Sh. K D Pachauri, Ld. Addl. PP for the State.

Sh Manish Garg, Ld. Counsel for applicant/accused(through VC).

IO in person.

1. This is an application under Section 483 BNSS for grant of bail, moved on behalf of applicant/accused Himanshu.

2. It is submitted by ld. Counsel for applicant/accused that prosecution story suffers from serious infirmities and contradictions and the material witnesses in the present case have turned hostile & have not supported the prosecution version. It is submitted that applicant is innocent and falsely implicated in the present case and allegations levelled against him are baseless as alleged eye witness Gaurav @ Golu has failed to appear for cross examination despite repeated summons issued to him and as per statement of Gaurav and Rahul, they were not present at the spot at the time of incident. It is also submitted that applicant has been granted interim bail on four occasions and on each occasion he has strictly adhered to all the terms and conditions. It is submitted that applicant was arrested on 15.09.2017 and has been in JC for more than 8 years and prolonged incarceration of applicant without

conclusion of trial amounts to violation of Fundamental Rights of Constitution of India.

3. It is submitted by the Ld. Addl. PP for the State that as per report of IO, the gravity of offence committed is serious in nature and if granted bail, accused may jump the bail. It is also submitted that accused is a habitual offender and involved in other heinous cases and if granted bail, he may threaten the complainant and other witnesses as case is still pending trial in the Hon'ble Court. Hence, submitted that the bail be dismissed.

4. Heard. Perused.

5. Considering the fact that applicant is in JC since 2017 and earlier the case was listed for statement of accused but on the application of the prosecution u/s 311 Cr. P.C, two witnesses were recalled, out of which only one witness turned up and the second witness is not turning up despite issuance of BWs. In such circumstances, keeping the accused further in JC would be unjustified, the application is allowed. applicant/accused is admitted to bail on furnishing personal bond in sum of Rs. 25,000/- with one surety of the like amount subject to the conditions that:

(a) Applicant/accused shall not commit the same offence again & must not threaten the witnesses;

(c) Applicant/accused shall provide his fresh address by way of an affidavit in the Court after his release and in case of any change in his address shall inform the Court;

(c) Applicant/accused shall appear on each and every date of hearing

before the Court.

6. Application stands disposed off. Copy dasti. Copy of this order be also sent to Jail Superintendent.

(SHIVAJI ANAND)
ASJ-II/SPECIAL JUDGE NDPS/
NORTH-WEST/ROHINI COURTS/
DELHI/16.05.2026