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

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Date of Decision: 12.02.2026+ **BAIL APPLN. 4703/2024 & CRL.M.(BAIL) 1945/2025**

AMIR

.....Petitioner

Through: Mr. Aman Akhtar, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with IO/Inspector Prashant Anand**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 654/2021 of PS Seemapuri for offence under Section 302/307/34 IPC.

2. This application was first taken up before the predecessor bench on 20.12.2024. Thereafter, the application kept getting adjourned before different benches and finally today for the first time it has come up before me. Before proceeding further, I must place on record the anguish, expressed genuinely and politely by learned counsel for accused/applicant that for 25 months his bail application remained pending before the trial court despite his having filed early hearing application; and even before this court, the suffering did not reduce and this application remains pending till

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date.

3. Broadly speaking, the allegation against the accused/applicant is as follows. On the ill-fated day, when the complainant *de facto* Anees along with his friends Subhan, Sohail, Arshad and Sameer were sitting and talking, accused persons, namely, Hemant, Nursingh and Amir (*the present accused/applicant*) reached there and in the course of talks, they started quarrelling. Hemant caught hold of Shoaib from behind and Nursingh stabbed Shoaib with some sharp object. When Sohail tried to save Shoaib, the present accused/applicant caught hold of him from behind and Nursingh stabbed Sohail as well. Shoaib unfortunately passed away, but Sohail survived.

4. Against the above background, learned counsel for accused/applicant submits that he is in custody since 24.10.2021. It is submitted that incident occurred in spur of the moment and even according to prosecution case, the person caught hold of by the accused/applicant fortunately survived and testified before the trial court. Learned counsel for accused/applicant submits that although at this stage, the court cannot minutely examine the evidence, but read in its entirety, testimony of Sohail would not inspire confidence.

5. Learned APP for State assisted by Investigating Officer/Inspector Prashant Anand opposes the bail application, though admits that all public witnesses already stand examined, so there is no possibility of the

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accused/applicant tampering with the witnesses, if released on bail.

6. Most importantly, as mentioned in paragraph 2 above, it is a matter of serious concern that bail applications remained pending for such inordinately long period before the Court of Sessions as well as this court. As mentioned above, even in this court, this bail application remained pending since 20.12.2024 and has come up before me today for the first time. It has been repeatedly observed in plethora of judicial pronouncements that whether it be allowed or be dismissed, a bail application should not remain pending for such long periods. For, that in itself is a trauma for the incarcerated accused and violation of his fundamental rights.

7. Considering the above circumstances, I do not find any reason to further deprive liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail 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. Pending application stands disposed of.

8. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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(JUDGE)

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