



2026:DHC:6517



3. Learned counsel for accused/applicant seeks passover on the ground that the arguing counsel Mr. R. S. Kundu, Advocate is on his way. But there is no explanation as to why the remaining two advocates Mr. Ashish Tiwari and Mr. Kirti Aggarwal have not appeared. It seems that passover request is being made to further protract pendency of this bail application, because counsel is completely aware that on account of extremely heavy board of this Court (*consisting of 95 matters*), if this matter is passed over, it would not reach till even late evening.

4. Under these circumstances, one of the options could be to adjourn the matter subject to cost. But it seems that even the previous cost dated 30.07.2025 which was imposed after detailed narration and also taking on record apology of the counsel for accused/applicant has not been deposited with DHCLSC till date. I am conscious that the accused/applicant is in jail, but in view of the circumstances described in order dated 30.07.2025, it is the counsel who should have deposited the cost in all fairness.

5. Considering the aforesaid, I am unable to grant any passover. Learned counsel present today is repeatedly called upon to address arguments but he does not do so.

6. Broadly speaking, according to prosecution case, the deceased was killed in the course of a gang war and as many as 50 bullets were fired at the deceased.

BAIL APPLN. 4191/2025

Page 2 of 3 pages

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH COURT OF DELHI,
c=IN, email=girish.kathpalia@delhihi.org, serial=15570
Date: 2026.08.11 17:00:50 +05'30'

Signature Not Verified

Digitally Signed
By: DIKSHA KAWAT
Signing Date: 11.08.2026
17:00:50



2026:DHC:6517



7. Earlier, by order dated 28.03.2026, the predecessor bench adjourned the matter after recording his view that the bail application be considered after deposition of all public witnesses including father and brother of the deceased. Today it is informed by learned APP for State assisted by IO/Inspector Surender that as on date, 12 public witnesses remain to be examined in trial and two of them are yet to be cross-examined. In view of the manner in which the offence was allegedly committed, prosecution apprehends that it being a case of gang war, if the accused/applicant is released on bail, there would be further violence.

8. Therefore, the bail application and all pending applications are dismissed.

**GIRISH
KATHPALIA**

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401d8889b27a77b2f65fffe4afe455
69af99a2c6f8a8235443597625accca, ou=HIGH
COURT OF DELHI, cn=GIRISH KATHPALIA
postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d13570
996b4f888cd32ee5042c487969f801e26fa,
cn=GIRISH KATHPALIA
Date: 2026.08.11 16:58:12 +05'30'

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 11, 2026/dr