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

**%** ***Date of Decision : 25.11.2026***

\# **CNR No. DLHC010289692026**

\+ **BAIL APPLN. 2594/2026**

JAGAT NARAYAN SINGH .....Petitioner

Through: Mr. Rajiv Mohan, Mr. Rehan Khan, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION .....Respondent

Through: Mr. Ripudaman Bhardwaj, Mr. Kushagra Kumar and Mr. Amit Kumar Rana, Advocates.
Dr. Amit George, Mr. K.K. Shukla, Mr. Kartickay Mathur, Mr. Vaibhav Gandhi and Ms. Muskan Shalya, Advocates for complainant.

**CORAM:**
**HON'BLE MR. JUSTICE SACHIN DATTA**

**SACHIN DATTA, J. (*ORAL*)**

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") seeking regular bail in case arising out of FIR No. 0391/2021 registered under Section 302 of the Indian Penal Code, 1860 ("IPC") at P.S. Ramgarh Tal, district Gorakhpur, Uttar Pradesh. The investigation was taken over by the CBI and the case was re-registered as RC No.12(S)/2021(0532021S0012), PS CBI/SCB/LUCKNOW.

2. The charge-sheet has been filed for the offences punishable under Sections 302, 323, 325, 506, 218 and 201 read with Sections 34, 120-B and

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149 IPC. This is the second bail application preferred by the petitioner before this Court.

3. The factual conspectus of the present case is that in the intervening night of 27.09.2021 - 28.09.2021, the police team of P.S. Ramgarh Tal, headed by the petitioner (who was then the SHO), checked/ raided room no. 512 of Hotel Krishna Palace, Gorakhpur. The said room was occupied by the deceased, Manish Gupta, and two other persons, namely, Harbir Singh and Pradeep Kumar.

4. Learned counsel for the respondent / CBI alleges that the applicant pushed the deceased's forehead against the wall, after which he fell unconscious and died. It is further alleged that the applicant got the blood stains cleaned, dictated a false version of an accidental fall to the hotel manager, Adarsh Pandey, and caused false General Diary entries to be made.

5. As regards the role of the present applicant/petitioner, reference is made to the following averments made in the reply filed by the CBI:

> 24. That the CBI investigation has revealed that during the relevant period, the accused/petitioner Jagat Narayan Singh (SHO/Inspector), Akshay Kumar Mishra (SI), Vijay Yadav (SI), Rahul Dubey (SI), Kamlesh Singh Yadav (HC), and Prashant Kumar (PC) were posted at PS Ramgarh Tal. The police team headed by the accused/petitioner Jagat Narayan Singh conducted a raid/checking in room no. 512 of Hotel Krishna Palace at midnight on 27/28.09.2021, during which the accused/petitioner Jagat Narayan Singh, Inspector, Akshay Kumar Mishra, SI, and Prashant Kumar, PC, abused and beat Manish Gupta and Harbir Singh.

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25. That, thereafter, the accused/petitioner Jagat Narayan Singh called SI Vijay Yadav and SI Rahul Dubey into room no. 512 through Prashant Kumar, PC. On his directions, they forcefully took Harbir out of the room to facilitate the beating of Manish Gupta. Subsequently, the accused/petitioner Jagat Narayan Singh pushed Manish Gupta's forehead against the wall, which caused fatal injuries and the death of Manish Gupta. The accused/petitioner Jagat Narayan Singh cleaned the blood inside room no. 512 and instructed the owner, Sh. Subhash Shukla, and hotel staff member Vijay to have the blood outside room no. 512 cleaned to destroy evidence.

26. That, thereafter, the accused/petitioner Jagat Narayan Singh and the other five accused police personnel agreed to commit an illegal act by preparing false records and making incorrect entries in the G.D. in their capacity as public servants, and by forcibly obtaining a handwritten application from Adarsh Pandey, the contents of which were dictated by the accused/petitioner Jagat Narayan Singh to Adarsh Pandey to save himself and the other police personnel. Furthermore, all the accused police personnel pressured Adarsh Pandey to provide a false video based on the same fabricated facts regarding the death of Manish Gupta, which the accused/petitioner Jagat Narayan Singh had entered into the GD of PS Ramgarh Tal.

6. The FIR was registered 29.09.2021 under Section 302 IPC and the applicant was arrested on 10.10.2021.

7. Thereafter, the chargesheet was filed against six police officials for the offences punishable under Sections 302, 323, 325, 506, 218 and 201 read with Sections 34, 120-B and 149 IPC. Vide order on charge dated 09.01.2023, the charge under Section 302 IPC was framed against the present applicant alone. That order was set aside by this Court on

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31.07.2024, and charges were framed afresh on 19.05.2025. The other five police officials were granted bail vide order dated 10.01.2023.

8. It is noticed that on 15.01.2024, a coordinate Bench of this Court rejected the earlier bail application (BAIL APPLN. 1908/2023) filed on behalf of the applicant/petitioner. The said order observed as under:

> 11. The allegations, at this stage, cannot be said to be without any basis. The statement of eye-witness, Aadarsh Pandey, who is the Manager of the hotel where the unfortunate incident took place, corroborates the allegations against the applicant. His statement, at this stage, cannot be said to be unreliable or untrustworthy.
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> 12. The trial is at a nascent stage and the witnesses are yet to be examined. The applicant is an influential person and the possibility of him interfering and intimidating the witnesses, at this stage, cannot be ruled out.
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> 13. Charges have already been framed against the applicant and the Coordinate Bench of this Court, by judgment dated 27.09.2023, has specifically observed that the ingredients of Section 300 of the IPC, *prima facie*, are satisfied. It cannot, therefore, at this stage, be said that the applicant has been falsely implicated.
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> 14. In view of the above, this Court finds no merit in the present bail application and the same is dismissed.

9. It is noticed that *vide* order dated 19.05.2026 passed by the learned trial Court [Special Judge, CBI-19 (PC Act), Rouse Avenue Courts, New Delhi], whereby the second bail application of the petitioner came to be dismissed, it was acknowledged that in the aftermath of the order dated 15.01.2024 passed by the coordinate Bench of this Court, there had been a material change in the circumstances, inasmuch as all the vulnerable

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witnesses, including PW15 (Adarsh Pandey) had been examined. It was also noticed that the prosecution case has suffered a setback due to the hostile testimony of PW-15. The relevant observations in this regard are as under:

> **(40)** Coming to the facts of the present case, without shadow of doubt, there has been a material change in the circumstances of the present case as all the vulnerable witnesses, cited by the prosecution, have already been examined, which includes eye witness Sh. Adarsh Pandey examined as PW15. It is also an admitted fact that PW15 has turned partly hostile to the prosecution case especially with respect to the role of applicant/accused, in causing the death of the deceased since, PW15 deposed that the deceased had fallen down on his own during which he sustained fatal injuries on his head, resulting in his death. Further, PW9 Dr. Akhlaq Ahmed, who conducted the post mortem examination of deceased admitted that in the post mortem report he had not mentioned the cause of death to be the head injury or had found any fracture on the skull bone of the body. He also admitted that in case of congestion in lungs, stomach wall etc., (which he found in the body of the deceased) supply of oxygenated blood is stopped to those organs and it may be due to asphyxia or sudden cardiac arrest. It was argued that the above evidence reflects that applicant/accused may not have committed the murder of the deceased.
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> **(41)** On a first blush, it does appear that the prosecution case has suffered a major setback due to the hostile testimony of PW15. However, question remains as to whether the same is sufficient ground to grant bail to the applicant/accused?

10. Despite the aforesaid, the learned trial Court declined bail, *inter alia*, on the ground that some of the remaining witnesses, being private persons based in Uttar Pradesh, may come under the influence of the petitioner, and

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on the apprehension that the petitioner is a flight risk. The relevant observations/reasons in the impugned order read as under:

> **(44)** It has been rightly pointed out by Ld. Sr. PP, CBI that under such circumstances, when an eye witness has turned hostile, the burden on the prosecution has increased since, it is required to prove its case through the other witnesses many of whom, are yet to be examined. There is a reasonable apprehension that some of those witnesses, who happen to be private persons based in UP, may come under the influence of applicant/accused, since the applicant/accused holds a very senior position of SHO (though suspended) within the UP Police.
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> **(48)** At this stage, it is also worth mentioning that considering the grievous nature of the allegations against the applicant/accused, there is indeed a reasonable apprehension that the applicant/accused may flee from justice / process of law since, even at the inception stage, the applicant/accused did not chose to participate in the investigation by surrendering, despite being a police officer himself and he could be arrested only later on, after making so much effort by local police.
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> **(50)** Considering all the above facts and the legal principles governing the grant of bail in cases of heinous offences, I am of the considered opinion that the applicant/accused Jagat Narayan Singh is not entitled to grant of bail, even at this stage. Accordingly, the present bail application of applicant/accused stands dismissed.

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11. During the course of hearing, it is submitted that 33 out of 73 prosecution witnesses have been examined, including PW-15 and the other persons of the hotel staff. The applicant has been in custody for over five years without any interim bail. It is noticed that no other case is pending against him and as per the nominal roll of the petitioner, his overall jail conduct has been satisfactory.

12. Learned counsel for the applicant submits that the key witnesses have deposed and that PW-15 has not supported the case of the prosecution. It is emphasised that the applicant has been in custody for more than five years. It is further submitted that the prosecution has not alleged any motive against the applicant/petitioner and that no weapon was used. It is further submitted that the applicant went to the hotel pursuant to a general direction of the Senior Superintendent of Police, Gorakhpur that all the police officers of the district to check hotels for suspicious persons.

13. It is submitted that the chargesheet itself (para 16.19) records that the then Senior Superintendent of Police, Gorakhpur had, on 27.09.2021, issued directions for checking of hotels and vehicles to find out suspected persons.

14. On the contrary, learned counsel appearing for the respondent / CBI and learned counsel for the complainant, opposed the present application. They submit that the applicant headed the police officials and alone faces the charge of murder. It is submitted that he can create an influence which is why, the Supreme Court (*vide* order dated 12.11.2021 passed in W.P. (Crl.) No. 436/2021) transferred the trial proceedings out of Uttar Pradesh. It is submitted that the very fact that PW-15 has turned hostile is itself indicative of the influence exerted by the petitioner.

15. It is further submitted that the remaining prosecution witnesses

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include police officials who were subordinates of the petitioner and continue to be in service, and are, therefore, likely to be influenced by him. Reliance in this regard has been placed upon the judgments of the Supreme Court in ***Ajay Kumar Yadav v. State of U.P.***, (2024) 13 SCC 678, wherein the Court observed as under:

> *"**8.** So far as the present appeal is concerned, we ought to make an exception from the general approach on the question of granting bail and adopt a stricter approach, primarily on two grounds which are in tandem with the principles applied in Sandeep Kumar.*
> ***8.1.** The first one is that Respondent 3 is part of the police force and the allegation is that of custodial death, in which he has been implicated. In cases of this nature, having regard to the overall influence a member of a police force may wield in connection with a case against them pertaining to custodial death, a stricter view is to be taken on the question of granting bail.*
> ***8.2.** Secondly, the charge is under Section 302 of the Penal Code and the appellant has been enlarged on bail within 1 and ½ years of his detention. The alleged offence is of grave and serious nature and that factor has not been properly considered by the High Court.*
> ***9.** Having regard to the contents of the charge-sheet, we do not think this was a fit case where he ought to have been enlarged on bail within one-and-a-half years of his initial detention. We, accordingly, set aside the order impugned and direct Respondent 3 to surrender before the CBI Court within a period of four weeks and once Respondent 3 surrenders, he shall be taken into custody by the court concerned."*

16. Reliance has also been placed upon ***Gobarbhai Naranbhai Singala v. State of Gujarat***, (2008) 3 SCC 775, wherein the Supreme Court held that in offences punishable with death or life imprisonment, the period of incarceration or delay in trial does not, by itself, entitle the accused to bail. It was also noticed that the delay in trial was on account of the absence of the accused, and the complainant was in no way responsible for the same.

17. I have given my thoughtful consideration to the respective pleas. In my opinion, the petitioner/applicant is entitled to bail for the following reasons:

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(i) The legal position is well settled that a successive bail application is maintainable upon a material change in the factual or legal circumstances. In this regard, reference may be made to the judgment rendered by the Supreme Court in ***Kalyan Chandra Sarkar v. Rajesh Ranjan,*** (2005) 2 SCC 42, wherein it has been held as under:

> *"19. The principles of res judicata and such analogous principles although are not applicable in a criminal proceeding, still the courts are bound by the doctrine of judicial discipline having regard to the hierarchical system prevailing in our country. The findings of a higher court or a coordinate Bench must receive serious consideration at the hands of the court entertaining a bail application at a later stage when the same had been rejected earlier. In such an event, the courts must give due weight to the grounds which weighed with the former or higher court in rejecting the bail application. Ordinarily, the issues which had been canvassed earlier would not be permitted to be reagitated on the same grounds, as the same would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting.*
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> ***20.*** *The decisions given by a superior forum, undoubtedly, are binding on the subordinate fora on the same issue even in bail matters unless of course, there is a material change in the fact situation calling for a different view being taken. Therefore, even though there is room for filing a subsequent bail application in cases where earlier applications have been rejected, the same can be done if there is a change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete. This is the limited area in which an accused who has been denied bail earlier, can move a subsequent application. Therefore, we are not in agreement with the argument of learned counsel for the accused that in view of the guarantee conferred on a person under Article 21 of the Constitution, it is open to the aggrieved person to make successive bail applications even on a ground already rejected by the courts earlier, including the Apex Court of the country."*

(ii) Reference may also be placed upon the order passed by the Supreme Court in ***Kamal @ Kamal Choudhary v. State of Madhya***

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***Pradesh*** [Criminal Appeal No. 992/2025, decided on 28.02.2025], wherein the examination of all the eye-witnesses after the rejection of the first bail application was held to be a material change in circumstances. The relevant portion of the said order reads as under:

> *"6. We fail to understand the reasoning adopted by the High Court. Even if an earlier bail application is rejected, an accused can make a fresh application at a subsequent stage on the ground of material change in circumstances. Therefore, it was the duty of the High Court to consider the bail application on merits. However, that has not been done. After the first bail application was rejected, now all the eyewitnesses have been examined. This was a major change in circumstance brought about after the dismissal of the first application for bail by the Sessions Court. Considering this fact and considering the long duration of incarceration, the appellant is entitled to be enlarged on bail pending the trial."*

(iii) The ground on which the earlier bail application was rejected by this Court vide order dated 15.01.2024, namely, that the trial was at a nascent stage and the witnesses were yet to be examined, no longer subsists. As noticed by the learned trial Court itself, all the vulnerable witnesses, including PW-15, have since been examined, and PW-15 has turned partly hostile, particularly with respect to the role attributed to the petitioner;

(iv) The allegation, no doubt, is grave. Learned counsel for the complainant rightly points out, while relying on Ajay Kumar Yadav (supra) that a stricter approach must be taken while granting bail to the police officials, having regard to the overall influence which a member of the police force may wield in connection with a case against him. However, the aforesaid dicta laid down by the Supreme Court does not entail that bail be denied till the conclusion of the trial. In the said judgment, the bail (which came to be set aside) had been

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granted to the accused within about one and a half years of his detention, before any evidence was led. In the present case, the applicant has been in custody for more than five (5) years and, as noticed, the complainant and the hotel staff have already deposed.

(v) In Gobarbhai Naranbhai Singala (supra), the delay was caused by the accused's own absence. In the present case, as many as 40 witnesses remain to be examined, and it is unlikely that the trial will conclude any time soon. The respondent submits that the petitioner has been procrastinating and has not been cooperating in the conclusion of the trial. This aspect has been vehemently denied by the learned counsel for the applicant/petitioner;

(vi) As such, the judgments relied on by the respondents, turned on their own facts, and do not lay down that an accused must be denied bail as thumb rule, irrespective of the period of incarceration undergone and the stage of trial. In the present case, the petitioner has been in custody for more than five years and the material witnesses, including PW-15, have already been examined;

(vii) The petitioner has no criminal antecedents, his jail conduct is satisfactory and he has already undergone more than five years of incarceration.

18. During the course of hearing, learned counsel for the applicant/petitioner undertakes, on instructions, that no adjournment shall be sought by the petitioner and that he will cooperate in the conclusion of the trial expeditiously.

19. It is further submitted that the petitioner shall not raise any objection in the event of the respondent requesting the trial Court to schedule dates of

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hearing at short/weekly intervals.

20. It can hardly be gainsaid that bail is the rule and jail is an exception. Reference in this regard may be placed upon the judgment rendered by the Supreme Court in ***Syed Iftikhar Andrabi v. National Investigation Agency, Jammu***, 2026 INSC 503, wherein the Supreme Court observed as under:

> *"35. The often invoked phrase 'bail is the rule and jail is the exception' is not merely an empty statutory slogan flowing from the CrPC as Gurwinder has stated. It is a constitutional principle flowing from Articles 21 and 22 of the Constitution and the presumption of innocence which is the cornerstone of any civilised society governed by the rule of law....."*

21. It is also apposite to refer to the judgment of the Supreme Court in ***Dataram Singh v. State of U.P.***, (2018) 3 SCC 22, wherein it was observed as follows:

> *"5. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in Nikesh Tarachand Shah v. Union of India [Nikesh Tarachand Shah v. Union of India, (2018) 11 SCC 1 : (2017) 13 Scale 609] going back to the days of the Magna Carta. In that decision, reference was made to Gurbaksh Singh Sibbia v. State of Punjab [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] in which it is observed that it was held way back in Nagendra Nath Chakravarti, In re [Nagendra Nath Chakravarti, In re, 1923 SCC OnLine Cal 318 : AIR 1924 Cal 476] that bail is not to be withheld as a punishment. Reference was also made to Emperor v. H.L. Hutchinson [Emperor v. H.L. Hutchinson, 1931 SCC OnLine All 14 : AIR 1931 All 356] wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days."*

22. Considering the totality of circumstances, the present application is allowed. The petitioner is directed to be released on regular bail on his furnishing a personal bond in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the concerned Trial Court, subject to the

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following conditions:

(i) the petitioner shall not leave India, without the prior leave of the trial Court and he shall surrender his passport before the concerned trial Court;

(ii) the petitioner shall not enter District Gorakhpur, Uttar Pradesh, during the pendency of the trial, save with the prior permission of the trial Court;

(iii) in case the petitioner is required to attend any departmental enquiry, he shall seek permission to participate virtually;

(iv) the petitioner shall attend every hearing unless specifically exempted by the trial Court;

(v) the petitioner shall provide his permanent address to the Trial Court, and also the address where he will be residing during the pendency of the case;

(vi) the petitioner shall intimate the Investigating Officer (IO) and file an affidavit before the Trial Court regarding any change in his residential address;

(vii) the petitioner shall furnish his 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, 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;

(viii) the petitioner shall report to the IO as and when called for by the IO;

(ix) the petitioner shall not directly or indirectly contact the complainant, any prosecution witness, and their family members;

(x) the petitioner 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;

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(xi) the petitioner shall appear before the Trial Court on each and every date of hearing;

(xii) the petitioner shall not indulge in any criminal activity during the period of bail; and

(xiii) the petitioner shall report to the concerned IO, on the first Monday of every month at 11:00 a.m. and be discharged by 12:00 noon, after recording his presence and completion of the necessary formalities.

23. It is clarified that the observations made hereinabove are only for the purpose of deciding the present bail application and shall not be construed as an expression of opinion on the merits of the case.

24. The present application stands disposed of in the above terms.

25. A copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

**SACHIN DATTA, J**

**NOVEMBER 25, 2026/***at/ka*

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