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

CNR No. DLHC010246562026

+ **BAIL APPLN. 2064/2026 and CRL.M.A. 17070/2026**

SANDEEP@MUDDA

.....Petitioner

Through: **Md. Arif, Mr. Vaibhav Saini, Mr.
Sanjay Raghav & Ms. Shivani, Advs.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Naresh Kumar Chahar, APP for
State.
SI Parvesh, PS Sangam Vihar.
Ms. Muskan, daughter of the victim.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **24.08.2026**

CRL.M.A.17144/2026 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 2064/2026 and CRL.M.A. 17070/2026

3. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking regular bail in respect of FIR No. 317/2025, for the offences punishable under Sections 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') registered at PS Sangam Vihar, Delhi.



4. From a perusal of the record, it appears that the present applicant and one other co-accused had assaulted the victim on 19.07.2025 by heavy stone on the head of the victim. The victim was found unconscious and was taken to AIIMS where he was reported to have suffered multiple lacerations which were opined to be grievous injuries. The relevant paras of the Status Report are extracted as under: -

“3. That during investigation, CCTV footage was collected from Bank of Baroda and Jagriti Public School, which assumes significant importance in establishing the presence and role of the applicant. The CCTV footage reveals that two persons, including the present applicant Sandeep @ Mudda, first approached the victim at about 12:05 AM, assaulted him and kill the spot. After approximately 10- 15 minutes, they again returned and assaulted the victim. Thereafter, at about 02:50AM, they again returned to the spot during which co-accused Kuldeep delivered a heavy stone blow on the head of the victim. The applicant's active presence and participation is visible throughout the incident.

4. That the medical examination of the injured was conducted at AIIMS Trauma Centre vide MLC No. 500502912 dated 19.07.2025. The injured had multiple lacerated wounds, including lacerations over the forehead, left index finger and left thumb, besides bruising over the left thigh and knee. Subsequently, on obtaining. The final medical opinion, the nature of injury was opined to be grievous. The medical evidence, therefore, corroborates the fact that the victim suffered serious bodily injuries during the incident.

5. That the medical evidence is also consistent with the manner of assault depicted in the CCTV footage, wherein the victim was repeatedly assaulted with hard and blunt objects/stones. Thus, the prosecution case is supported by independent medical evidence and is not founded merely upon the statement of the accused or any disputed version.”

5. Learned counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. According to him, there is no evidence against the present applicant. He submits that the prosecution evidence has not yet commenced, though the charges have



already been framed. Notwithstanding the aforesaid, the applicant has undergone 1 year 1 month incarceration. There is no criminal case except the present one that is pending against the applicant.

6. The contentions of the present applicant are strongly opposed Mr. Naresh Kumar Chahar, learned counsel appearing for the State who contends that the CCTV footage establishes the applicant's presence. There are two accused persons and the allegation against the present applicant is that he and co-accused Kuldeep Kumar are responsible for causing injuries with an intention to kill the injured. Additionally, there is a CDR analysis, which would also establish that the applicant was at the same location where the incident had occurred and was in touch with the co-accused.

7. Ms. Muskan, daughter of the victim/injured is present. She submits that his father has lost his memory, therefore, he has not appeared.

8. This Court has considered the submissions made by learned counsel for the parties and also perused the record.

9. The Supreme Court in ***Dataram Singh v. State of U.P.***,¹ has observed that the grant of bail is the rule and refusal is an exception, and that the presumption of innocence continues to operate until guilt is established in accordance with law.

10. The parameters governing the grant of bail have also been succinctly laid down in ***Prasanta Kumar Sarkar v. Ashis Chatterjee***,² wherein the Supreme Court held that while considering an application for bail, the Court is required to balance the nature of the accusation, the severity of punishment, the possibility of the accused fleeing from justice, likelihood of

¹ (2018) 3 SCC 22.

² (2010) 14 SCC 496.



tampering with evidence or influencing witnesses, antecedents of the accused and the overall interests of justice

11. The Supreme Court in ***Sanjay Chandra v. CBI***,³ has further observed that the object of bail is to secure the attendance of the accused during trial and that pre-trial detention should not assume a punitive character. These observations were expounded as follows:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.”

12. The Supreme Court in ***Union of India v. K.A. Najeeb***,⁴ held that an under trial cannot be subjected to indefinite incarceration pending trial and that, where it becomes evident that a timely conclusion of the trial is not possible and the accused has already undergone a substantial period of incarceration, constitutional courts would ordinarily be obligated to enlarge the accused on bail, notwithstanding the statutory restrictions governing the grant of bail.

13. The fact that the applicant was seen in a CCTV footage and the analysis of the CDR and consequent the applicant's complicity are a matter of trial. The victim has not been examined and there is little possibility of his examination in the near future. There are no other eye-witness and evidence against the present applicant except purported CDR and CCTV footage. The

³ (2012) 1 SCC 40.

⁴ (2021) 3 SCC 713.



applicant has been in judicial custody since 19.07.2025 and as per the nominal roll as on 18.08.2026, has undergone 1 year and 1 month incarceration. Additionally, there is no other criminal record against the applicant.

14. Bearing in mind the overall facts and circumstances of the case, the applicant is directed to be enlarged on regular bail subject to the conditions as may be imposed by the trial Court.

15. The application stands disposed of. Pending applications, if any, also stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 24, 2026

Ab/ad