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

CNR No. DLHC010275362026

+ **BAIL APPLN. 2449/2026**

YASH MATHUR

.....Petitioner

Through: Mr. Brajesh Kumar, Mr. Arvind Kumar and Mr. Apoorv Shankar, Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Chahar, APP for State. SI Manish and SI Gopal, PS Burari.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **19.08.2026**

1. The applicant by way of the present application seek for grant of regular bail in connection with FIR No. 1121/2025 for offences under Sections 109(1),3(5) of the Bharatiya Nyaya Sanhita,2023 (BNS) and Section 25/27 Arms Act, 1959 registered at Police Station Burari, Delhi.
2. Learned counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated. He points out that the applicant has been in judicial custody since 05.12.2025 and that, upon completion of the investigation, the chargesheet has already been filed. The applicant has no criminal antecedents, and no injury was caused to any of the persons



involved in the incident. It is further submitted that the pistol was recovered from co-accused Akshay @ Nobli, and there is no allegation against the applicant of having fired any gunshot. Learned counsel further submits that two witnesses, namely Ankit and Anil, who are PW-2 and PW-3, respectively, have turned hostile. The evidence of PW-1 Dhaneshwar is presently being recorded, and even his testimony before the Court is stated to be inconsistent with the allegations made in the FIR.

3. Mr. Naresh Chahar, learned APP appearing for the State, has strongly opposed the application and submits that the allegations against the applicant are serious in nature. It is submitted that the applicant was identified by the complainant and is alleged to have actively participated in the incident by physically assaulting the complainant's drivers along with his accomplices. It is further submitted that the case pertains to an attempt to murder, the chargesheet has already been filed, and the applicant has no previous criminal involvement.

4. PW-1 Dhaneshwar, PW-2 Ankit and PW-3 Anil are present before the Court. They submit that the matter may be decided by the Court in accordance with law. They, however, have not raised any objection to the present application.

5. I have considered the submissions made by learned counsel for the parties and have perused the record.

6. The prosecution story would indicate that the FIR in question was registered on the basis of the complaint of Dhaneshwar, who stated that on 03.12.2025 at about 10:30 P.M., while he was sitting at his building material shop and his driver Ankit was parking the truck, 3-4 unknown persons came on a scooty and an altercation ensued between them and Ankit regarding



passage for the scooty. Thereafter, the complainant's other driver, Anil, came to the spot, whereupon the persons on the scooty started scuffling with them. During the altercation, one of the persons took out a pistol and fired at the complainant, but the shot missed him. Upon the gathering of public persons at the spot, the assailants fled, leaving behind the scooty, which had no number plate. The complainant thereafter informed the police, who reached the spot and took the injured persons to the hospital. Subsequently, the FIR was registered.

7. The Supreme Court in ***Dataram Singh v. State of U.P.***,¹ has reiterated 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.

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

9. The Supreme Court in ***Sanjay Chandra v. CBI***,³ has observed that once investigation is complete and chargesheet has been filed, the continued custody of an accused without compelling reason, amounts to pre-trial punishment, which is unwarranted. Para. 21 of the said decision reads as under:

¹ (2018) 3 SCC 22

² (2010) 14 SCC 496



“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.”

10. More recently, in **Satender Kumar Antil v. CBI**,⁴ the Supreme Court has emphasised that prolonged incarceration pending trial, particularly where the trial is not likely to conclude within a reasonable period, has to be viewed in the light of the guarantee of personal liberty under Article 21 of the Constitution.

11. As aptly observed by division Bench of this Court in **Mohd. Hakim v. State (NCT of Delhi)**,⁵ the Court must play the role of a “doctor” rather than a “coroner”, by protecting the right to a speedy trial before it is rendered illusory by prolonged incarceration, instead of recognising its violation after the constitutional injury has become irreversible.

12. The evidence of PW-2 and PW-3 does not support the prosecution’s case. They have stated that the present applicant was not one of the persons seen at the time of the incident.

13. The statement of PW-1 Dhaneshwar is presently being recorded. In his testimony, he has stated that nine persons riding three two-wheelers were attempting to cross the truck from behind. There appears to be a discrepancy between the allegations in the FIR and his testimony before the Court.

³ (2012) 1 SCC 40.

⁴ (2022) 10 SCC 51

⁵ 2021 SCC OnLine Del 4623



14. The aforesaid aspects would ultimately have to be considered by the Trial Court at the appropriate stage. However, for the purpose of deciding the present bail application, the Court can take note of the material contradictions appearing in the prosecution case.

15. Accordingly, bearing in mind the aforesaid facts and circumstances, and considering that the applicant has been in custody since 05.12.2025, the investigation is complete, the chargesheet has been filed, and the applicant has no criminal antecedents, the applicant is directed to be released on regular bail, subject to such terms and conditions as may be imposed by the concerned Trial Court.

16. The application stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 19, 2026

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