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

+ BAIL APPLN. 1979/2025 & CRL.M.A. 16043/2025, CRL.M.A. ` 16044/2025

MD. SANAULLAH

.....Petitioner

Through: Mr. Hirein Sharma, Mr. Vimal Tyagi,
Mr. Balaji Pathak, Mr. Paras Sharma
and Ms. Tripuri Jha, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP.
SI Tarun Kumar, PS: Sadar Bazar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
25.07.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 104/2025 dated 29th January, 2025, registered under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023³ (corresponding to Section 307 of the Indian Penal Code, 1860⁴) at P.S. Sadar Bazar, Delhi.

Factual Matrix

2. The case of the prosecution, as emerging from the record, is briefly set out as follows:

¹ "BNSS"

² "CrPC"

³ "BNS"

⁴ "IPC"



2.1. On 26th January, 2025, a medico-legal intimation [MLC No. 656/25] was received from Bara Hindu Rao Hospital at P.S. Sadar Bazar, Delhi and recorded as DD No. 27A. The said entry was assigned to SI Tarun Kumar for necessary action. He, along with his staff, reached the hospital and found that the injured person, namely Laddu Kumar (the Complainant), had been admitted for medical treatment. However, as the Complainant was found unfit to give a statement due to injuries to his cheek and eyelid, no statement could be recorded at that stage. Later on, the MLC was obtained, which reflected the following injuries: (i) lacerated wound over the left cheek; (ii) incised wound approximately 10 cm × 2 cm over the left cheek; and (iii) incised wound approximately 1 cm × 0.5 cm over the lower left eyelid.

2.2. On 28th January, 2025, once the Complainant was declared fit for statement, his version was recorded. He disclosed that he had been residing at Motia Khan, Delhi for the preceding four months and was engaged in the manufacture of leather goods. He stated that his brother, Guddu Kumar, and the accused, Mohammad Sanaullah (the Applicant), also resided along with him. The Applicant had been working under him for the past 7 to 8 months and had taken an advance of INR 10,000/- but had not reported to work for the preceding three days.

2.3. On 26th January, 2025, at around 03:30 PM, when he confronted the Applicant with a request to either resume work or return the advance amount, a heated exchange ensued. The Applicant allegedly began hurling abuses and, in the course of the altercation, attacked the Complainant with a knife/cutter, causing injuries to his face. Upon Guddu's arrival, the Applicant reportedly fled the scene. The Complainant stated that he lost consciousness due to the injuries and regained awareness only at the



hospital. Based on the MLC and his statement, the present FIR under Section 109(1) of BNS was registered.

2.4. On 29th January, 2025, the Applicant was arrested near Idgah Park at the instance of the Complainant. The weapon of offence – a knife/cutter – was recovered from the third floor of House No. 11137, Idgah Road, Sadar Bazar, Delhi. The Complainant's blood sample was obtained, and relevant exhibits were sent to the FSL, whose result is yet to be obtained. The final medical opinion on the injuries sustained by the Complainant has since been obtained and categorises the injuries as 'simple' in nature. The investigation now stands concluded and the chargesheet has been filed before the Trial Court.

Contentions of the Applicant

3. Counsel for the Applicant seeks regular bail on the following grounds:

3.1. The MLC notes that the injuries, though caused by a sharp-edged object, were classified as 'simple', undermining the ingredients of Section 109(1) of BNSS. While not conclusive, the nature of injuries remains a key factor in assessing intent to cause death. Reliance is placed on the judgment of the Supreme Court in *Sarju Prasad v. State of Bihar*,⁵ wherein it was held that the nature of injury is relevant, although not conclusive, to determine intention.

3.2. The Applicant has been falsely implicated in the present case. There was no premeditation or prior planning on the part of the Applicant. The incident, as per the prosecution itself, arose suddenly during a verbal altercation when the Complainant demanded the return of an advance payment. The absence of any motive or pre-planning, coupled with the



‘simple’ nature of the injuries, suggests that the offence, if any, occurred in the heat of the moment, without any intention to cause fatal harm.

3.3. The investigation in the present case stands concluded, the weapon of offence has been recovered, and the chargesheet has been filed. In these circumstances, the custodial interrogation of the Applicant is no longer required. It is, thus, submitted that the continued incarceration of the Applicant would serve no useful purpose.

3.4. The Applicant has an unblemished record, with no previous criminal antecedents. He is stated to be the sole earning member of his family, and his prolonged detention is said to be causing considerable hardship. The counsel assures that the Applicant has deep roots in the local community and poses no flight risk. There is no likelihood of his tampering with the evidence or influencing witnesses, and he is willing to abide by any conditions that may be imposed for securing his presence during trial.

Contentions of the State

4. Mr. Mukesh Kumar, APP for the State, strongly opposes the bail application on the following grounds:

4.1. The offence is of a grave and serious nature. The Applicant is alleged to have assaulted the Complainant with a knife/cutter in broad daylight, inflicting injuries on sensitive parts of the body such as the cheek and the lower eyelid. The nature and location of the injuries, coupled with the fact that the incident occurred around 3:30 PM in a residential neighbourhood, reflect the Applicant’s audacity and disregard for public order. It is argued that his release on bail may compromise the safety of the community and embolden similar conduct.

⁵ AIR 1965 SC 843



4.2. It is submitted that the Applicant was residing with the Complainant at the time of the incident and is well acquainted with him and his brother, who is also a witness. This familiarity gives rise to a credible apprehension that, if enlarged on bail, the Applicant may attempt to interfere with the course of justice by influencing or intimidating witnesses central to the prosecution's case.

4.3. The weapon of offence – a knife/cutter, was recovered at the instance of the Applicant and the same has been sent to FSL for examination, and the result is still awaited.

Analysis

5. The Court has considered the aforementioned facts and rival submissions. It must be borne in mind that the grant or denial of bail is not to be determined solely by the seriousness of the charge, but through a holistic assessment of the legal and factual matrix concerning the particular accused. It is a well-established principle that, while considering a bail application, the Court must keep in mind several factors relating to the case, such as – whether there is any *prima facie* reasonable ground to believe that the accused has committed the offence, the nature and gravity of the accusation, severity of potential punishment, risk of the accused absconding or fleeing if released on bail, the likelihood of the offence being repeated, etc.⁶ It is equally well settled that at the stage of considering bail, the Court is not required to weigh evidence with the rigour reserved for a trial which would make the bail proceedings akin to a mini-trial.⁷

6. The MLC reveals that although the injuries were caused by a sharp-

⁶ *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* (2010) 14 SCC 496

⁷ See also: *Brijmani Devi v. Pappu Kumar & Anr.*, (2022) 4 SCC 497 and *Mahipal v. Rajesh Kumar @*



edged object, the final medical opinion classifies the injuries as ‘simple’ in nature, which militates against the essential ingredients of the offence under Section 109(1) of BNSS (corresponding to Section 307 of IPC). It is well-established position that while the nature of injuries alone is not determinative of intent, it remains a relevant consideration in assessing whether there existed the requisite intention or knowledge to cause death. In the present case, *prima facie* the injuries, being neither deep nor life-threatening, do not support an inference of homicidal intent.

7. The State has opposed the grant of bail by citing the serious nature of the charge and the brazenness of the assault. However, the Supreme Court has consistently held that the gravity of the alleged offence, by itself, cannot form the sole basis to deny bail. In the present case, there is no allegation of premeditation or prior enmity. The prosecution’s own version acknowledges that the incident stemmed from a spontaneous altercation over return of an advance payment. The absence of prior hostility, coupled with the non-fatal nature of injuries, militates against the prosecution’s claim of *mens rea* to commit murder.

8. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁸ In the present case, the chargesheet has already been filed, and necessary recoveries, including the alleged weapon of offence, have been effected. Although the FSL report is awaited, its pendency cannot by itself justify continued incarceration, especially when

Polia, 2020 (2) SCC 118

⁸ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of*



the evidentiary value of such a report is to be assessed at the stage of trial. The Court, at this stage, is not required to delve into a detailed appreciation of the evidence or conduct a mini-trial. Thus, no further custodial interrogation of the Applicant appears necessary, and pre-trial incarceration would cause grave prejudice in the given circumstances.

9. The Applicant has been in custody since 29th January, 2025 and as per the Nominal Roll, as on 14th July, 2025, the Applicant has already undergone custody for a period of 5 months and 16 days. The Applicant has no previous criminal antecedents, and his jail conduct has been reported to be satisfactory.

10. Therefore, in light of the above discussion, in the opinion of the Court, the continued custody of the Applicant will be punitive and unnecessary. Accordingly, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant 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;
- c. The Applicant shall not contact the Complainant or any of his family members;
- d. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;

Investigation, (2022) 10 SCC 51.



- e. The Applicant shall appear before the Trial Court as and when directed;
- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- g. The Applicant shall report to the concerned PS on first, second and fourth Friday of every month;
- 11. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
- 12. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
- 13. The bail application is allowed in the afore-mentioned terms.
- 14. Pending applications also stand disposed of.

SANJEEV NARULA, J

JULY 25, 2025

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