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

+ **BAIL APPLN. 2086/2025**

ARIF

.....Petitioner

Through: **Mr. Amit Alok, Advocate.**

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Amit Ahlawat, APP for State
with SI Ravindra Singh, PS-F.P. Beri.
Complainant in person (through VC).**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.10.2025

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1. The present application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 438 of the Code of Criminal Procedure, 1973²) seeks pre-arrest bail in FIR No. 250/2025, registered at P.S. Fatehpur Beri under Sections 324(2)/351(2)/79 of the Bharatiya Nyaya Sanhita, 2023.³

2. The subject FIR pertains to an incident that transpired during the intervening night of 23rd and 24th May, 2025. It is alleged that a PCR call was received from the Complainant, Ms. Nazia, pursuant to which the police officials reached the spot. Upon arrival, the Complainant narrated that at around 9:00-10:00 PM on the said date, while she was returning home in a car along with her daughter, the Applicant, who resides in the adjacent house and was driving ahead of her in a car, deliberately obstructed their

¹ "BNSS"

² "Cr.P.C."

³ "BNS"



path. When she requested him to move his vehicle, he allegedly responded with aggression and used abusive language. Subsequently, upon arrival of the police, the Applicant returned, driving the same vehicle at high speed in an attempt to cause harm to the Complainant, her family members, and the police personnel present at the scene. This also resulted in substantial damage to the Complainant's property. The Prosecution has relied upon video footage, which purportedly captures the Applicant attempting to cause harm to the Complainant and the police officials. In view of the nature of allegations and material collected during investigation, offences under Sections 132, 221, and 109(1) of the BNS were added to this case.

3. Counsel for the Applicant submits that, in compliance with the order dated 28th May, 2025, the Applicant has duly joined investigation and appeared before the Investigating Officer. It is further submitted that the Applicant has amicably settled the matter with the Complainant, who has no objection to the grant of pre-arrest bail in favour of the Applicant.

4. On the other hand, Mr. Amit Ahlawat, APP for the State, opposes the application, and submits that custodial interrogation of the Applicant is necessary for the recovery of the case property, *i.e.*, the vehicle used in the commission of the offence. He further submits that, as per the PCR call, there are specific allegations suggesting that the Applicant was in possession of a weapon at the time of the incident, which also requires thorough verification. It is additionally submitted that the Applicant has been implicated for serious charges, including attempt to murder and causing harm to police personnel, and in view of the gravity of the allegations, the Applicant is not entitled to the relief of anticipatory bail.

5. The Court has considered the rival contentions advanced by the



parties. It is observed that, pursuant to the directions of this Court, the Applicant has duly joined the investigation. It is further noted that the Complainant, who has appeared before the Court *via* video conferencing mechanism, has submitted that she does not oppose the present application, as the matter has been amicably resolved between the parties.

6. It is also pertinent to note that no injuries have been suffered either by the Complainant or any member of the police party pursuant to the alleged incident. The charge under Section 307 IPC appears to have been invoked on the basis of the IO's assessment that the Applicant's alleged act of driving the vehicle towards the Complainant and police personnel, as seen in the video footage, amounts to an attempt to commit murder. However, whether this act indeed satisfies the ingredients of Section 307 IPC is a matter to be determined during trial, upon appreciation of the evidence on record, and does not, in itself, constitute a ground to deny bail to the Applicant.

7. The Supreme Court has repeatedly emphasized that the provision of anticipatory bail, under Section 438 Cr.P.C., is rooted in Article 21 of the Constitution of India, which guarantees personal liberty. Section 438 aims at protecting the personal liberty of an individual, who, at the time of seeking anticipatory bail, has not been convicted of the alleged offence and is entitled to the presumption of innocence.⁴ Accordingly, in the totality of the foregoing circumstances, the Court finds it to be a fit case for the grant of anticipatory bail. The application is, therefore, allowed. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail

⁴ Gurbaksh Singh Sibbia and Others v. State of Punjab, (1980) 2 SCC 565; Siddharam Satlingappa Mhetre v. State of Maharashtra and Others, (2011) 1 SCC 694.



bond for a sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
8. 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.
9. 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.
10. Copy of the order be communicated to the concerned Jail Superintendent for necessary information and compliance.
11. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

OCTOBER 6, 2025

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