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

+ **BAIL APPLN. 2150/2025**

SALMAN KHAN

.....Petitioner

Through: Mr. Shahbaz Ahmad Naik, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for the State
along with SI Anjali, PS
Kanjhawala.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.12.2025

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1. This application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks regular bail in FIR No. 513/2024, registered at P.S. Kanjhawala for the offence under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023.²

2. The case of the prosecution is as follows: -

2.1. On 30th October, 2024, a PCR call was received at P.S. Kanjhawala reporting that the caller's friend had been stabbed in the abdomen by two persons, namely Salman and Shera, and that the injured was being taken to Ambedkar Hospital, Rohini. On receipt of the call, the Investigating Officer reached the Hospital, where the injured Rohit was found admitted. As the

¹ "BNSS"

² "BNS"



doctors declared him unfit to make a statement, the FIR was registered on the basis of the DD entry and investigation commenced.

2.2. During investigation, the statement of eye-witness Sher Ali was recorded under Section 180 BNSS. He stated that on 30th October, 2024, he, along with Tannu, Tillu, Imran, Rohit and Salman (the Applicant), was consuming alcohol inside Tannu's car. He and Tillu later alighted from the vehicle at Jhanda Chowk. After some time, Imran called him and informed him that a scuffle had broken out between the Applicant and Rohit and that the Applicant had threatened to kill Rohit. He further stated that he and Tillu then reached Barat Ghar, Block-1, where Rohit and Tannu were present. While they were enquiring about the incident, the Applicant and co-accused Shera arrived on a motorcycle. The Applicant allegedly alighted from the motorcycle, armed with a knife, abused Rohit and stabbed him multiple times on the chest and abdomen. The incident was recorded by the eye-witness on his mobile phone. The video recording was seized during investigation and, according to the prosecution, clearly shows the Applicant stabbing Rohit.

2.3. On the basis of the eye-witness account and the video recording, the Applicant was arrested. The weapon of offence was recovered at his instance from near the scene of occurrence. Co-accused Shera was also arrested.

2.4. The medical opinion regarding the injuries sustained by Rohit was obtained from Ambedkar Hospital. The doctor opined that the injuries were grievous in nature. Upon conclusion of investigation, charges for offences punishable under Sections 109(1) and 3(5) BNS have been framed against both accused persons.



3. Mr. Shahbaz Ahmad Naik, counsel for the Applicant contends that the Applicant has been falsely implicated. He has been in custody since 31st October, 2024 and the material prosecution witnesses have already been examined. It is argued that there is no realistic possibility of the Applicant influencing any remaining witness and that further incarceration, in these circumstances, would amount to punitive detention rather than a measure to secure the trial. The Applicant himself made a PCR call at 112 after the incident, which is relied on as indicative of his attempt to prevent escalation rather than to cause harm. He was first assaulted, tied up and beaten mercilessly by the complainant and his associates, who were allegedly demanding ransom. The complainant has a criminal background, with prior involvement in cases of theft, robbery and dacoity. The incident arose out of a drunken brawl, was not premeditated and any injury caused was in exercise of self-defence. The Applicant also invokes parity, as co-accused Mohd. Shera has been granted bail by the Trial Court on 22nd April, 2025.

4. Mr. Hemant Mehla, APP for the State, opposes the application. He submits that the Applicant is specifically alleged to have inflicted multiple stab injuries on the chest and abdomen of the victim and that the injuries have been categorised as grievous. It is contended that the weapon recovered at the instance of the Applicant, along with the FSL report and other scientific material collected during investigation, links him to the commission of the offence. The APP further points to the video recording which, according to the prosecution, clearly depicts the Applicant stabbing the victim and has already been proved during trial through the deposition of PW-3. In these circumstances, it is urged that no case for grant of bail is made out.



5. The Court has considered the facts of the case and the contentions advanced by the parties. While deciding a bail application, the Court must consider several factors, including whether there is a *prima facie* case or reasonable grounds to believe the accused has committed the offence, the likelihood of the accused repeating the offence, the nature and seriousness of the accusation, the severity of the potential punishment upon conviction, the risk of the accused absconding or fleeing if granted bail, and the reasonable apprehension of witnesses being intimidated by the accused.

6. The Applicant stands implicated as the principal assailant who allegedly stabbed the injured with a knife on the chest and abdomen. The prosecution version is supported not only by the ocular account of the eye-witness, but also by a contemporaneous video recording of the incident, in which the Applicant is stated to be seen assaulting the victim. This recording has already been exhibited during trial and, at this stage, provides *prima facie* support to the prosecution's case. The medical opinion categorising the injuries as grievous, coupled with the alleged recovery of the weapon of offence at the instance of the Applicant, further strengthens the prosecution narrative for the limited purpose of bail.

7. Although the Applicant seeks to rely on purported contradictions in the testimonies of prosecution witnesses, this Court cannot, at this stage, undertake a detailed appreciation of evidence or conduct a mini-trial. Those contentions must be tested by the Trial Court upon a holistic evaluation of the entire record. Likewise, the plea that the Applicant acted in self-defence, as well as his allegations regarding the complainant's criminal antecedents and alleged role, are matters squarely within the domain of the Trial Court and will have to be adjudicated in the course of trial. For present purposes,



the *prima facie* material placed on record, including the video recording and medical opinion, weighs against the grant of bail.

8. The Applicant's reliance on parity with co-accused Mohd. Shera is also misplaced. The prosecution case attributes the actual act of stabbing to the Applicant, whereas co-accused Shera is alleged only to have accompanied him to the spot. The nature and gravity of the role ascribed to the Applicant is thus qualitatively distinct. In such circumstances, the order of bail in favour of the co-accused cannot, by itself, entitle the Applicant to similar relief.

9. Having regard to the specific role attributed to the Applicant, the seriousness of the allegations, the nature of the injuries, and the *prima facie* strength of the material against him at this stage, this Court is not persuaded to exercise discretion in favour of granting bail.

10. The application is accordingly dismissed.

11. 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.

SANJEEV NARULA, J

DECEMBER 3, 2025/MK