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

+ **BAIL APPLN. 3607/2025**

AMIT KUMAR

.....Petitioner

Through: Mr. R.K. Tarun, Ms. Sharwari
Shokeen, Ms. Aditi Shivadhatri,
Mr. Hemant Jain, Mr. R.R. Bharti and
Capt. Subedita Rani, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
State with SI Randeep, PS-North
Rohini.

+ **BAIL APPLN. 3815/2025**

MAHESH @ PANKAJ

.....Petitioner

Through: Mr. Rohit Attri and Mr. Kunal Bawa,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
State with SI Randeep, PS-North
Rohini.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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12.11.2025

1. The present applications under Section 482 of the Bharatiya Nagarik
Suraksha Sanhita, 2023¹ (corresponding to Section 438 of the Code of

¹ "BNSS"



Criminal Procedure, 1973²) seek pre-arrest bail in relation to case FIR No. 346/2025 dated 15th May, 2025, registered at P.S. North Rohini, Delhi under Sections 191(3), 199, 115(2), 126(2), 324(4), 76, 79, 351(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023³.

2. The present FIR was filed on a complaint made by Ms. X, alleging that she was assaulted on 14th May, 2025, by Sumit (her daughter-in-law's brother) along with other individuals, including the Applicants. As a result of the assault, Ms. X sustained injuries on her leg, which medical opinion have classified as grievous. During investigation, the prosecution also invoked Section 109 BNS (corresponding to Section 307 IPC), alleging that the assailants also attempted to assault the Complainant's son (Aman Dalal) by striking his head with a *danda*. However, Aman sustained no injury as he timely evaded the attempted strike.

3. This Court *vide* orders dated 22nd September, 2025, and 8th October, 2025, granted interim protection to the Applicants, Amit Kumar and Mahesh @ Pankaj, respectively, and directed them to join investigation. It is not disputed that both Applicants duly complied with the directions and appeared before the Investigating Officer. Even otherwise, there is nothing on record to suggest non-cooperation or misuse of the interim protection granted to them.

4. Further, the allegation of Section 109 BNS (corresponding to Section 307 IPC) was primarily against the other accused, and not the present Applicants. As per the Status Report, when the Applicants joined investigation and were shown the CCTV footage in which they were

² "CrPC"

³ "BNS"



allegedly seen carrying a *danda*, they duly identified themselves. However, the CCTV does not depict them assaulting the complainant. Nonetheless, the probative value of such evidence is to be tested during trial.

5. It is further noted that the main accused, Sumit, has already been granted regular bail by the Sessions Court *vide* order dated 12th September, 2025. The allegations against the present Applicants are of a similar nature, and no specific or distinct overt act has been attributed to them. In light of the Applicants' cooperation with the investigation, the absence of any antecedents, there appears no justification for subjecting them to custodial interrogation at this stage. They have undertaken to remain available for interrogation when called for.

6. The Supreme Court has repeatedly emphasized that the provision of pre-arrest bail, under Section 438 CrPC (corresponding to Section 482 BNSS) is rooted in Article 21 of the Constitution of India, which guarantees personal liberty. Section 438 CrPC 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

7. It is also well established through a catena of judgments of the Supreme Court that the object of granting bail is neither punitive nor preventive. The primary purpose of bail is to secure the attendance of the accused at trial.⁵ Arrest and detention, particularly at the pre-trial stage, are not to be used as instruments of punishment or as a measure of anticipatory

⁴ *Gurbaksh Singh Sibbia & Ors. v. State of Punjab* (1980) 2 SCC 565; *Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors.* (2011) 1 SCC 694.

⁵ See: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



detention when the cooperation of the accused can be ensured through less restrictive means.

8. In view of the foregoing discussion and considering that (i) the Applicants have cooperated with the investigation, (ii) the main accused has already been granted bail, and (iii) no material has been placed on record to suggest that the Applicants are likely to abscond or tamper with evidence, this Court finds no reason to deny the protection sought. Accordingly, the present applications are allowed.

9. It is directed that in the event of arrest, the Applicants shall be released on bail on furnishing a bail bond for a sum of INR 25,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicants shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicants shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicants shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicants shall give their mobile numbers to the concerned IO/SHO and shall keep their mobile phone switched on at all times;

10. In the event of there being any FIR / DD entry / complaint lodged against the Applicants, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail applications and should not



influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the cases.

12. Accordingly, the present applications stand allowed and disposed of, along with any pending application(s).

SANJEEV NARULA, J

NOVEMBER 12, 2025

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