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

+ **BAIL APPLN. 3775/2025 & CRL.M.A. 29405/2025**

KAILASH

.....Petitioner

Through:

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP.

SI Ashish Sharma, P.S. Nand Nagri.

+ **BAIL APPLN. 3777/2025 & CRL.M.A. 29422/2025**

SH DINESH KUMAR

..... Petitioner

Through: *Appearance not given.*

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP.

SI Ashish Sharma, P.S. Nand Nagri.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **21.11.2025**

1. These applications under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seek anticipatory bail in FIR No. 426/2025 registered under Section 109(1)/3(5) of Bharatiya Nyaya Sanhita, 2023,² at

¹ "BNSS"

² "BNS"



P.S. Nand Nagri.

2. The subject FIR arises from an incident on 24th July, 2025, in Nand Nagri where the complainant, after objecting to accused Aman @ Mayur and others consuming liquor near a temple, was allegedly stabbed by Aman, resulting in a grievous abdominal injury with organ prolapse. In his statements, the complainant attributed the assault to the instigation of the Applicants, Kailash and Deepu @ Dinesh. FIR No. 426/2025 was registered under Section 109(1) BNS, later adding 3(5) BNS and 25/27 Arms Act, 1959. Aman was arrested on 26th July, 2025, who allegedly disclosed the active role of the Applicants. CDR analysis of the Applicants places them near the spot and in contact with co-accused.

3. The Applicants seek anticipatory bail on the grounds that the FIR names only Aman, who was arrested and from whom the knife was recovered. The alleged role of the Applicants is confined to instigation, and the act of stabbing was committed solely by the main accused, not them. They have already joined the investigation pursuant to court directions, cooperated with the IO, and there is no further need for custodial interrogation.

4. The Court has considered the facts and the submissions advanced. This Court had granted interim protection to the Applicants on 26th September, 2025, with a direction to join the investigation. It is not in dispute that the Applicants duly complied with the said direction and appeared before the Investigating Officer. The record does not reflect any instance of non-cooperation or misuse of the interim protection.

5. It is the prosecution's own case that the substantive act of stabbing was committed by Aman, who has since been arrested and from whom the



alleged weapon of offence was recovered. Chargesheet has been filed against Aman. The role attributed to the present Applicants is limited to instigation. They have already joined the investigation, and no further custodial interrogation appears necessary.

6. The Supreme Court has repeatedly emphasized that the provision of pre-arrest bail, under Section 438 Cr.P.C. (corresponding to Section 482 BNSS) is rooted in Article 21 of the Constitution of India, which guarantees personal liberty. Section 438 Cr.P.C. 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.³

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.⁴ Arrest and detention, particularly at the pre-trial stage, are not to be used as instruments of punishment or as a measure of anticipatory detention when the cooperation of the accused can be ensured through less restrictive means.

8. In view of the above, and particularly considering (i) the Applicants' cooperation, (ii) the limited nature of their alleged role, and (iii) the absence of any material suggesting the necessity of custodial interrogation, this Court finds no reason to deny the protection sought. Accordingly, the applications are allowed.

³ *Gurbaksh Singh Sibbia & Ors. v. State of Punjab* (1980) 2 SCC 565; *Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors.* (2011) 1 SCC 694.

⁴ See: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51



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 number to the concerned IO/SHO and shall keep his 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 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.

12. The applications are allowed in the afore-mentioned terms.

SANJEEV NARULA, J

NOVEMBER 21, 2025/as