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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3783/2025**
RIHANPetitioner

Through: Mr. Abdul Gaffar, Mr. Nakul Sharma
and Mr. Firoz Khan, Advocates.

versus

STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Yudhvir Singh Chauhan, APP for
State.
SI Sandeep Tomar, P.S. Harsh Vihar.
Mr. Vishwa Aman Kandwal,
Advocate for Complainant.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **13.11.2025**

1. This application 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 the proceedings arising from FIR No. 323/2025 dated 7th June, 2025, registered at P.S. Harsh Vihar under Sections 109(1), 333 and 3(5) of the Bharatiya Nyaya Sanhita, 2023³.

Factual Matrix

2. The case of the prosecution is that on 7th June, 2025, a quarrel in Gali No. 29-B, C-3 Block, Harsh Vihar, Delhi, led to injuries to the complainant,

¹ "BNSS"

² "CrPC"

³ "BNS"



Aditya Giri, who was taken by PCR to GTB Hospital. His MLC was collected and CCTV from a nearby shop captured the initial altercation. In his written statement, he alleges that on the date of the incident, around 4:00 PM, Mohd. Arkaan, angered over a prior dispute, assaulted him with associates (including Kunal and Prince), using an iron knuckle and bricks, after which the complainant struck Arkaan and Kunal with a brick and left. Shortly thereafter, Arkaan allegedly arrived at the complainant's residence with his brother Rihan (the Applicant), Mamur and their mother Imrana; they attempted to force entry, then accessed the premises *via* a neighbour's roof, where the complainant was beaten with a stick and, on Imrana's exhortation, struck on the head with a brick, causing loss of consciousness. During investigation, the Applicant and co-accused (Arkaan, Imrana and Mamur) were arrested; a chargesheet has been filed against the Applicant under Sections 109(1), 333, 324(4) and 3(5) BNS.

3. Mr. Abdul Gaffar, counsel for the Applicant, argues that the Applicant has been roped in solely because he is the brother of Mohd. Arkaan. There is no specific act attributed to him in the FIR or in the complainant's statement. Even on the prosecution's showing, presence does not translate into participation. In fact, it was the applicant who first dialled PCR to report an assault on his brother; a video clip is said to show the complainant striking Arkaan, who sustained a head injury requiring 13 stitches. The allegations against the Applicant are general and vague. It is further urged that investigation is complete, the charge-sheet stands filed, and co-accused Imrana has already been granted bail, attracting parity. The applicant is young, has clean antecedents, and is not a flight risk. He undertakes to cooperate, appear as directed, and refrain from contacting the



complainant or witnesses, or from tampering with evidence. Once investigation has concluded and the charge-sheet stands filed, continued incarceration ordinarily serves no investigative purpose. Liberty must not to be curtailed as a matter of routine.

4. Mr. Yudhvir Singh Chauhan, APP for the State, opposes the application submitting that releasing the Applicant on bail poses a real risk that he may influence or intimidate the complainant and other material witnesses, as both the complainant and the accused persons reside in the same locality. The alleged acts form part of a grave and violent assault, resulting in life-endangering injuries to the complainant. The offence attributed to the Applicant, when viewed in conjunction with the collective conduct of the co-accused, reflects a serious and deliberate attack rather than a mere neighbourhood altercation.

5. The Court has considered the aforementioned submissions and the material placed on record. The offence alleged is undoubtedly serious in nature, involving an assault said to have resulted in injuries to the complainant. However, the determination of bail cannot be guided solely by the gravity of the accusation. The Court must keep in mind several factors relating to the case: 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.⁴

6. While a detailed evaluation of evidence is impermissible at the stage of bail, as it would amount to conducting a mini-trial,⁵ a limited, *prima facie*

⁴ *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* (2010) 14 SCC 496.

⁵ See: *Brijmani Devi v. Pappu Kumar & Anr.* (2022) 4 SCC 497 and *Mahipal v. Rajesh Kumar @ Polia*,



assessment of the material on record is warranted for the purposes of deciding the present application. On that footing, it appears that no specific act of assault has been directly attributed to the present Applicant. The main allegation of assault with a brick causing head injury is levelled against co-accused Arkaan, whereas the role ascribed to the Applicant Rihan appears to be *prima facie* limited to his alleged presence at the scene along with other family members. The record does not disclose any overt act on his part which could independently establish active participation in the assault.

7. The MLC of the complainant indicates that the injuries sustained were opined to be “*simple*” in nature. This fact, coupled with the completion of investigation and filing of the chargesheet, considerably reduces the necessity for continued custodial detention.

8. The Court also notes that the co-accused Imrana has already been granted regular bail by the Sessions Court *vide* order dated 17th June, 2025. It is pertinent that even against Imrana, there exists a specific allegation of exhorting the co-accused during the assault, whereas no such direct or active role has been attributed to the present Applicant. Thus, the principle of parity also weighs in favour of the present Applicant, particularly as the allegations against him stand on a relatively weaker footing.

9. As per Nominal Roll as on 10th November, 2025, the Applicant has been in custody for a period of five months and three days. His jail conduct has been reported as satisfactory. Although the Applicant is shown to be implicated in another case, i.e., FIR No. 4830/2025, registered at P.S. Chandni Mahal under Sections 305(b), 317(2) and 3(5) BNS, he is presently on bail in the said case. The mere pendency of another criminal case,

2020 (2) SCC 118.



without more, cannot be treated as an absolute bar to the grant of bail. The Supreme Court in *Prabhakar Tiwari v. State of Uttar Pradesh*⁶ has observed that while antecedents and involvement in other criminal cases are relevant considerations, they cannot, by itself, form the sole basis for denial of bail.

10. The Applicant is a young individual with clean antecedents and roots in the locality. The settled position of law, as reiterated in a catena of Supreme Court decisions, is that the object of bail is neither punitive nor preventive; its purpose is to secure the presence of the accused during trial, not to inflict pre-trial punishment.⁷ Considering the overall facts and circumstances of the case, Applicant's continued incarceration is not necessary for the purposes of trial.

11. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties 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 under no circumstance leave the country without the permission of the Trial Court;

⁶ AIR Online 2020 SC 96

⁷ See: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



- d. The Applicant shall appear before the Trial Court as and when directed;
 - e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
 - 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 P.S. on the first Friday of each month. However, it is made clear that the Applicant shall not be made to wait for more than an hour.
12. 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.
13. 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.
14. The bail application is allowed and disposed of along with any pending application(s).

SANJEEV NARULA, J

NOVEMBER 13, 2025

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