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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4159/2025 & CRL.M.A. 32326/2025**
ARKANPetitioner

Through: Mr. Abdul Gaffar, Mr. Nakul Sharma,
Mr. Junaid Nisar and Mr. Vikas
Grover, Advocates.

versus

STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Amit Ahlawat, APP for State.
SI Sandeep Tomar, P.S. Harsh Vihar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
11.12.2025

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1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 323/2025 registered under Sections 109(1)/333/3(5) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Harsh Vihar.

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, 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

¹ "BNSS"

² "Cr.P.C."

³ "BNS"



PM, the Applicant, 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 the Applicant and Kunal with a brick and left. Soon thereafter, the Applicant along with his brother Rihan, co-accused Mamur and their mother Imrana, allegedly went to the complainant's residence. After unsuccessfully attempting to force the main door, they allegedly entered the house through the neighbour's roof, where the complainant was assaulted with a stick and, on Imrana's exhortation, struck on the head with a brick by the Applicant, rendering him unconscious. During investigation, the Applicant along with other co-accused was arrested, and a chargesheet has since been filed against him under Sections 109(1)/333/324(4)/3(5) BNS. A corresponding cross-FIR under Sections 110/3(5) BNS stands registered against the complainant arising out of the same incident dated 7th June, 2025.

3. Mr. Abdul Gaffar, counsel for the Applicant, submits that the Applicant, a 20-year-old with clean antecedents, has been falsely implicated and that no specific material links him to the alleged assault. He contends that the first PCR call was made from the Applicant's side reporting an attack upon him, and relies on a video clip said to show the complainant striking the Applicant with a brick, causing injuries. Co-accused Imrana and Rihan have already been granted bail by the Trial Court and this Court respectively, and the Applicant stands on identical footing, warranting parity. The Applicant is a permanent resident with deep roots in the locality, lacks the means to influence witnesses, and poses no risk of absconding or tampering with evidence. He has remained in custody since 8th June 2025; with the investigation complete and the chargesheet filed, further



incarceration serves no purpose. The Applicant affirms full cooperation with the proceedings and undertakes to abide by any condition imposed by the Court.

4. Mr. Amit Ahlawat, APP for the State, opposes the application, submitting that the assault in question was a grave and targeted attack resulting in life-endangering injuries. The Applicant's role is direct and distinguishable from that of the co-accused who have been granted bail; hence, no parity can be claimed. The Applicant and the complainant reside in the same locality, creating a real apprehension that, if released, he may influence or intimidate the complainant or other material witnesses.

5. The Court has considered the aforementioned submissions and the material placed on record. At this stage, the Court is not to conduct a mini-trial or return findings on the truthfulness of the allegations. The inquiry is confined to a *prima facie* appreciation of the material, the nature and gravity of the accusation, the stage of proceedings, and whether the Applicant's custody is necessary for securing his presence at trial or for preventing interference with the administration of justice.

6. The allegations in the present case indicate a grave assault resulting in significant injuries to the complainant. However, the Court cannot examine this allegation in isolation. The record also reflects that the earlier altercation, captured in CCTV footage, shows the complainant striking the Applicant with a brick, resulting in injuries for which a cross-FIR has been registered. The incidents appear to arise from the same continuing dispute between the parties, and there are rival versions regarding the sequence of events and individual roles. The existence of these two rival versions, the manner in which the quarrel escalated, and the specific role attributable to



each participant are matters that must ultimately be determined at trial after evidence is fully tested and no conclusive view can be taken at this preliminary stage.

7. Co-accused Imrana and Rihan have already been granted bail. Although the allegations against the Applicant are stated to be more direct, the case against all accused arises from the same incident and is based on the same set of witnesses. At this stage, the relative weight of these allegations cannot be conclusively assessed, and parity therefore remains a relevant consideration.

8. As per Nominal Roll as on 6th December, 2025, the Applicant has been in custody for a period of 5 months and 29 days. His jail conduct has been reported as satisfactory. The MLC of the complainant indicates that the injuries sustained were opined to be “*simple*” in nature. These facts, coupled with the completion of investigation and filing of the chargesheet, considerably reduces the necessity for continued custodial detention.

9. 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.⁴ Considering the overall facts and circumstances of the case, Applicant’s continued incarceration is not necessary for the purposes of trial.

10. 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

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



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;
- 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.

11. 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.

12. 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.



13. The bail application is allowed and disposed of along with any pending application(s).

SANJEEV NARULA, J

DECEMBER 11, 2025

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