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

+ BAIL APPLN. 326/2026

JAVED@ JABIR@ RAJA

.....Petitioner

Through: Mr. Abhishek Sharma, Mr. Vivek Bansal & Mr. Deepak Pandey, Advocates.

versus

STATE (NCT DELHI)

.....Respondent

Through: Mr. Tarang Srivastava, APP.
SI Ashish Sharma, PS Nan Nagri.
Ms. Manika Tripathy & Ms. Yimcha Longchar, Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **28.04.2026**

1. By way of the present application, the applicant seeks regular bail in connection with FIR No. 797/2024 dated 09.12.2024, registered at Police Station Nand Nagri under Sections 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"]. A chargesheet was subsequently filed on 14.02.2025, pursuant to which charges have been added under Sections 95 and 238(b) of the BNS, as well as Section 83(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015.
2. I have heard Mr. Abhishek Sharma, learned counsel for the applicant, Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State, and Ms. Manika Tripathy, learned counsel for the complainant.
3. The facts emerging from the status report dated 15.03.2026 placed on record by the prosecution, indicate that information was received from



Guru Teg Bahadur Hospital on 09.12.2024 regarding the admission of the complainant, who had sustained injuries “*after quarrel*”. Pursuant thereto, her medical examination was conducted, wherein she was found to have sustained three incised wounds of size 4x2cm, 3x1cm and 2x1cm, which were opined to be simple in nature. During the course of investigation, the statement of the complainant was recorded, wherein she stated that she runs a stall at H-Block, Sundari Nagri, Delhi, and that on 09.12.2024 at about 02:30 AM, while she was sleeping at her stall, she was allegedly attacked by a group of persons, including the present applicant, with a knife, with the intention to kill her.

4. The applicant was arrested on 09.12.2024, alongwith two co-accused in the present case, and two CCLs were also apprehended. It is alleged that a knife was recovered at the instance of the applicant, which has been sent to the Forensic Science Laboratory, Rohini [“FSL”] for opinion. The prosecution further relies upon CCTV footage of the scene of crime, which is stated to show the presence of the applicant and the co-accused at the spot.

5. Mr. Sharma submits that the investigation in the present case stands concluded and that the charge sheet has already been filed; however, the matter is presently at the stage of arguments on charge. He contends that, as per the CCTV footage, the applicant is not shown entering the complainant’s stall and is, at best, seen standing outside the stall. It is further submitted that the applicant had no involvement in the alleged incident and, in fact, is seen moving away from the spot at the relevant time. It is also pointed out that the applicant has already undergone incarceration for a period of 1 year and 4 months.



6. Learned counsel further submits that the applicant has been falsely implicated at the instance of the police, allegedly on account of prior animosity arising from a complaint made by his mother against an officer of the same police station, in connection with another case involving the applicant [FIR No. 388/2024]. It is pointed out that the applicant has since been acquitted in the said case *vide* judgment dated 16.03.2026 passed by the learned Sessions Court in SC No. 111/2025.

7. Mr. Sharma further refers to the order dated 03.01.2025 passed by the learned Magistrate, wherein it is recorded that the complainant declined to participate in the Test Identification Parade [“TIP”] proceedings on the ground that she has weak eyesight and is unable to see clearly.

8. *Per contra*, Mr. Srivastava and Ms. Tripathy submit that the allegations against the applicant are serious in nature. It is contended that the CCTV footage from the scene of the incident *prima facie* shows the presence of the applicant, and indicates his active participation in the incident, though he is not alleged to have inflicted the knife injury upon the complainant. It is further submitted that a knife has been recovered from the possession of the applicant, and that the report of the FSL is still awaited.

9. Mr. Srivastava further submits that the complainant is yet to depose before the learned Trial Court and that, at this stage, the release of the applicant would potentially prejudice the trial.

10. The CCTV footage relied upon by the prosecution has also been shown to the Court, wherein the applicant and the other co-accused are identified in terms of the description set out in the status report, as



follows:

“That CCTV footage of scene of crime was obtained from PWD camera and the same was analysed, the duration of CCTV footage is 3 minutes and 55 second. The details of accused/CCL’S as per CCTV footage is as follows: -

Sr. No.	Name of the accused	Description of cloths	Time of appearance in the video	Role of accused
(i)	<u>Jabir @ Raja</u>	<u>wearing black jacket with blue jeans</u>	<u>00:58</u>	<u>Knife was recovered from him and the applicant was found present at the scene of crime during incident</u>
(ii)	Imran	Wearing brown shirt with cargo pant	02:03	The Accused was found present at the scene of crime during incident
(iii)	Nasir @ amma bai	White t-shirt with blue cap	01:33	Stabbed the victim with knife
(iv)	Parvesh	Blue jacket with sleeper	02:08	The Accused was found present at the scene of crime during incident.
(v)	Zubir @ zubi	wearing white shirt with blue jeans	00:58	Stabbed the victim with knife”¹

11. Insofar as the identification of the applicant in the CCTV footage is concerned, the same is not disputed.

12. Having heard learned counsel for the parties and perused the material placed on record, I am of the view that it is not appropriate to enlarge the applicant on bail at this stage. The offence alleged under Section 109(1) of BNS is undoubtedly serious in nature, and is punishable with imprisonment for life. Although the applicant has remained in custody for a period of over 1 year and 4 months, the material on record,

¹ Emphasis supplied.



at this stage, *prima facie* indicates his presence in the CCTV footage at the scene of the incident, where he is seen in the company of the co-accused, and is visible at multiple points during the occurrence.

13. The prosecution case is further fortified by the fact that the applicant was specifically named in the initial complaint lodged by the complainant, whose testimony is yet to be recorded and subjected to cross-examination.

14. The alleged recovery of the weapon of offence at the instance of the applicant, is also significant. Although, the applicant disputes the recovery, and the FSL report is still awaited, these aspects cannot be conclusively assessed at this stage and remain a matter for trial.

15. Viewed cumulatively, the seriousness of the allegations, *prima facie* material emerging from the record, including the CCTV footage, the alleged recovery, and the fact that crucial witnesses are yet to be examined, do not persuade this Court to exercise discretion in favour of the applicant, at this stage.

16. The bail application, alongwith any pending application, is accordingly dismissed.

17. It is, however, clarified that any observations made herein are solely for the purpose of deciding the present bail application and shall not influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

PRATEEK JALAN, J

APRIL 28, 2026

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