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

+ **BAIL APPLN. 433/2026**

NAIM

.....Petitioner

Through: Mr. S.N. Quereshi, Advocate
versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for
State
SI Khagnesh, PS Seelam Pur

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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02.02.2026

CRL.M.A. 3334/2026 (exemption)

Exemption allowed, subject to all just exceptions.

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1. Applicant seeks anticipatory bail in case FIR No. 397/2025 dated 23.12.2025, registered at Police Station Seelampur for commission of offences under Sections 109(1)/3(5) of *Bharatiya Nyaya Sanhita, 2023* (corresponding Section 307/34 IPC).
2. The prime grievance of the applicant is to the effect that when the similar relief was prayed by him by filing an application before the learned Court of Sessions, learned Court of Sessions, *vide* order dated 19.01.2026, permitted him to join the investigation and investigating officer was also directed to issue proper notice to him for joining the investigation and also supplemented that till next date, no further coercive action be taken against the applicant and the application was listed for 27.01.2026. As per report

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submitted by the investigating agency, which was forwarded on 26.01.2026, applicant Naim had joined investigation but despite taking on record aforesaid report submitted by the investigating agency, bail application has been dismissed, *inter alia*, observing that accused had not joined the investigation.

3. During course of the consideration, copy of order dated 19.01.2026 and also reply filed by the investigating agency were shown. These have been retained on record.

4. Learned Addl. P.P. for State, on instructions from investigating officer, who is present in Court, does not dispute the aforesaid aspects. He, however, submits that custodial interrogation might still be required in the case in hand.

5. Be that as it may, earlier also applicant had been granted interim relief and since he had joined investigation, pursuant to earlier order dated 19.01.2026, there was no reason to have dismissed the application on the premise that he had failed to join investigation.

6. Two other accused have already been arrested and one of them is, reportedly, on interim bail.

7. Admittedly, name of the applicant is appearing in charge-sheet but mere role ascribed to him to the effect that he had stopped injured. The alleged blows were, actually, given by accused Sameer Choudhary and Ashraf.

8. Injured was, reportedly, discharged from the hospital, same day.

9. Keeping in mind the overall facts and circumstances of the case, application is disposed of with following directions: -

- (i) Applicant is directed to re-join the investigation as and when so directed. In case he does not co-operate with the investigating



agency, relief granted to him would stand, automatically, withdrawn.

- (ii) In the event of arrest, the arresting officer would release him on bail on his furnishing personal bond and surety bond in a sum of Rs. 25,000/- each.

MANOJ JAIN, J

FEBRUARY 2, 2026/dr/js