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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 472/2026 & CRL.M.A. 3538/2026**
YAKUB CHAUDHARYPetitioner

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

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Ms. Priyanka Dala, APP for State
SI Khegnesh, PS Seelam Pur\

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **04.02.2026**

CRL.M.A. 3538/2026 (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 Sessions Judge, he, *vide* order dated 19.01.2026, was permitted to join the investigation and investigating officer (IO) was directed to issue appropriate notice to him for joining the investigation and the learned Court also directed that till next date, no further coercive action be taken against the applicant and his application seeking anticipatory bail was listed for 27.01.2026. As per report submitted by the investigating agency, which was forwarded on 26.01.2026, applicant Yakub Chaudhary had joined the investigation but despite taking on record aforesaid report submitted by the investigating

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agency, his bail application has been dismissed, *inter alia*, observing that accused had not joined the investigation.

3. Learned Addl. P.P. for State, on instructions from IO, who is present in Court, does not dispute the aforesaid aspects. He, however, avers that applicant might still be required for custodial interrogation.

4. Be that as it may, earlier also applicant had been granted interim relief and since he had joined investigation, there was no reason to have dismissed the application on the ground that he had not joined investigation.

5. Admittedly, name of the applicant is figuring in charge-sheet but mere role assigned to him is that he had stopped injured. His co-accused Sameer Choudhary and Ashraf have been alleged to be responsible for the blows given to the injured.

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

7. 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 4, 2026/dr/pb