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

+ **BAIL APPLN. 723/2026**

AMAN @ MD. KAIF

.....Petitioner

Through: Mr. Ashutosh Bhardwaj, Mr. Sanju Gupta, Mr. Lalit Kumar Sharma, Mr. Lakshay Tyagi, Mr. Akshay Tyagi, Mr. Anmol Singh, Mr. Arjun Upadhyaya and Mr. Manav Gupta, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Yudhvair Singh Chauhan, APP with Insp Manjeet.
Mr. Abhishek Jain, Advocate for family of deceased.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.04.2026

1. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of regular bail in connection with FIR No. 415/2024 dated 18.08.2024, registered at Police Station Shastri Park, District North-East, New Delhi, under Sections 103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].
2. I have heard Mr. Ashutosh Bhardwaj, learned counsel for the applicant, Mr. Yudhvair Singh Chauhan, learned Additional Public Prosecutor for the State, and Mr. Abhishek Jain, learned counsel for the



family of the deceased.

3. The prosecution has also filed a status report, which is on record.

4. The case of the prosecution is that on 17.08.2024, information was received from Jag Pravesh Chandra Hospital, New Delhi, that one Sameer had been admitted, and reported to have a stab injury by 5 to 6 unknown persons at 9:30 PM on the same day. He was brought to the hospital by the complainant – Md. Faisal Qureshi, and was declared “*brought dead*”.

5. Thereafter, another injured person – Ishan also arrived at the hospital and was identified by the complainant as the person who had inflicted the stabbing injury on the deceased. Ishan was taken into police custody.

6. In the course of investigation, the complainant stated that he and his two friends, including the deceased, went to a location near a transformer and the underpass of EFGH Block, Shastri Park, Delhi, where they were met by three other persons, including Suhail, his brother – Saifi, and his sister – Rubina. It was alleged that some boys had misbehaved with Rubina, and that Ishan and his friends were also standing at the same spot. After some argument, a scuffle broke out, in which the deceased slapped Ishan. Both parties left the spot, after which the deceased received a call asking him to come to another location at Kayam Restaurant, Zero Pusta. It is at this location that a further incident of physical scuffle broke out, in which it is alleged that the applicant, Ishan, and their other associates started beating the complainant, the deceased, and their associates, and that Ishan stabbed the deceased with a knife which he was carrying. It is alleged that the applicant was found hiding near the spot and was taken into police custody.



7. The prosecution case is that blood-stained clothes of the applicant have been recovered at the applicant's instance and sent to the Forensic Science Laboratory ["FSL"] for examination, and the result thereof is awaited. The weapon of offence has been recovered at the instance of Md. Ishan.

8. Although it is stated that CCTV footage of the incident has been collected, Mr. Chauhan clarifies that the CCTV footage is of the location of the first scuffle, which is approximately 300 metres away from the location where the second incident is alleged to have taken place, including the stabbing of the deceased.

9. As far as the present applicant is concerned, the allegation against him is that he beat the deceased with his fist, while Ishan stabbed him. The post-mortem report has confirmed that the deceased died due to "*haemorrhagic shock consequent upon sharp force trauma to the chest*" by a single-edged sharp cutting weapon.

10. In support of the present application, Mr. Bhardwaj submits that, as far as the present applicant is concerned, the allegation against him is only that he beat the deceased with his fist, and there is no material to support the allegation of common intention with regard to the offence of murder. It is further submitted that no recovery has been made from the applicant, except for his own clothes, in respect of which the FSL report is still awaited. Further, all material witnesses have been examined, and the eye-witnesses have not supported the prosecution case. The applicant is only 19 years of age, and has been in custody for a period of approximately 1 year and 8 months. The applicant also has no prior criminal antecedents. Mr. Bhardwaj also submits that the main accused –



Ishan also suffered injuries in the incident, in respect of which a cross-FIR bearing No. 420/2024 has been registered under Sections 118(1)/3(5) of the BNS, and a chargesheet has been filed in that case as well.

11. Mr. Chauhan, on the other hand, submits that the trial is still in progress, and the applicant was arrested from the spot. He, however, accepts that all the public witnesses have been examined, with the exception of the person who provided the CCTV footage.

12. Mr. Jain has handed over an affidavit filed by the mother of the deceased, which is taken on record. He draws my attention to paragraph 16 of the said affidavit, in which it is stated that the accused and their family members are threatening and influencing the witnesses in the present case.

13. Having heard learned counsel for the parties, I am of the view that it is appropriate, in the present case, to grant bail to the applicant. The Supreme Court has repeatedly emphasised that denial of pre-trial bail should be treated as an exception. In the present case, all material witnesses have been examined, the applicant is a young person of 19 years of age, with no prior criminal involvements, and has already spent 1 year and 8 months in custody. There are a total of 30 witnesses, of which 7 have been examined at this stage. The trial is, therefore, likely to take a fair amount of time.

14. While this is not the occasion to examine the evidence in detail or conduct a mini-trial, it may also be noted that, even according to the prosecution case, the applicant is not the person accused of having inflicted the stabbing injuries upon the deceased, and the CCTV footage relied upon by the prosecution is of a location some distance away from



the incident where the injuries are stated to have been sustained.

15. With regard to the apprehension of threats and influence upon the witnesses by the family of the deceased, it may be noted that no complaint in this regard has yet been made either to the police or to the Trial Court. Suffice it to state that bail granted to the applicant will be conditional upon his making no attempt to influence the witnesses or tamper with the evidence, or threaten anyone involved in the case. Any violation of these conditions would result in cancellation of bail.

16. In view of the above, it is directed that the applicant be released on regular bail in connection with FIR No. 415/2024 dated 18.08.2024, registered at Police Station Shastri Park, District North-East, New Delhi, under Sections 103(1)/3(5) of the BNS, subject to furnishing a personal bond in the sum of Rs. 30,000/-, with one surety in the like amount, to the satisfaction of the concerned Trial Court/Duty Magistrate, and subject to the following further conditions:

- a. The applicant shall appear before the learned Sessions Court on each and every date of hearing.
- b. The applicant shall ordinarily reside at the address as per prison records, and shall not change the addresses without informing the concerned Investigating Officer ["IO"]/ Station House Officer ["SHO"].
- c. The applicant shall furnish his mobile number to the concerned IO/SHO, and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO.



- d. The applicant shall not, directly or indirectly, contact, nor visit, nor offer any inducement, threat, or promise to the family of the deceased, any of the prosecution witnesses or other persons acquainted with the facts of the case.
 - e. The applicant shall not, directly or indirectly, tamper with evidence nor otherwise indulge in any act or omission that would prejudice the proceedings in the pending trial.
 - f. The applicant shall not commit any offence during the pendency of the proceedings.
17. The bail application is disposed of in terms of the above.
18. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.
19. A copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

PRATEEK JALAN, J

APRIL 16, 2026
SS/KA/