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

+ **BAIL APPLN. 861/2026**

ASHISH KUMAR ALIAS KALUPetitioner

Through: **Ms. Shivani Sharma, Advocate**

versus

STATE OF N.C.T. OF DELHIRespondent

Through: **Mr. Naresh Kumar Chahar, APP for
the State with Ms. Puja Mann and Mr.
Sandeep Sinhmar, Advocates**

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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27.02.2026

CRL.M.As. 6583/2026 & 6584/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

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3. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 128/2025, registered at Police Station Nangloi, Delhi, for the commission of offence punishable under Sections 309(4)/311/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter '*BNS*')
4. Briefly stated, the present FIR can to be registered on the basis of the statement of the brother of the injured, who alleged that on 14.03.2025, on the occasion of Holi, the complainant was celebrating and playing Holi outside his house. In the evening, at around 5:00–5:30 PM, the injured, Ravi,



had approached the complainant and had informed him that a boy named Kalu, the present applicant/accused, had arrived along with two or three associates and had forcibly snatched his mobile phone. Thereafter, the complainant, along with the injured, had proceeded towards the house of the applicant, where they had encountered the applicant and his associates. Upon the injured requesting the applicant to return his mobile phone, the applicant had become aggressive and had started kicking and punching the injured, and his associates had also joined in assaulting him. During the assault, the accused persons had repeatedly stated, “*You have made a mistake by asking for the phone back.*” When the complainant had attempted to intervene and rescue the injured, one of the associates had suddenly taken out a knife and had attacked the injured, stabbing him multiple times. At that time, the applicant and the other accomplices had been holding the injured, thereby facilitating the knife attack.

5. The learned counsel appearing for the applicant argues that the applicant has been in judicial custody since 15.03.2025. It is further argued that the applicant is a 19-year-old boy with no previous criminal antecedents. It is contended that the investigation, *qua* the applicant, has been completed and the chargesheet has already been filed. It is further argued that no recovery of the weapon allegedly used to cause injuries to the injured has been effected at the instance of the applicant. It is also urged that the father of the applicant is bedridden and that the applicant is the sole breadwinner of his family. On these grounds, it is prayed that the applicant be released on regular bail.

6. *Per contra*, the learned APP for the State opposes the bail application, and contends that the offence in question is serious and grave in nature. It is



argued that the applicant had actively participated in the commission of the offence by holding the injured while the co-accused Sameer had assaulted him with a knife. It is further argued that one of the co-accused, namely Sanjay, is yet to be arrested, and there is a strong likelihood that, if released on bail, the applicant may assist the said co-accused in evading arrest. Accordingly, it is prayed that the applicant be not granted regular bail.

7. This Court has heard arguments addressed on behalf of the learned counsel appearing for the applicant as well as the learned APP for the State, and has perused the material available on record.

8. A perusal of the material on record reveals that the allegations against the applicant/accused are that he had caught hold of the injured, while the co-accused, Sameer, had inflicted stab injuries upon him.

9. This Court notes that the applicant has been in judicial custody since 15.02.2025, i.e. for a period of one year. It is further noted that recovery of the weapon, allegedly used to cause injuries to the injured person, has not been effected.

10. This Court also notes that the investigation *qua* the applicant stands completed and the chargesheet has been filed. The applicant has no criminal antecedents.

11. Considering the overall facts and circumstances of the case, and for the reasons mentioned hereinabove, this Court is *inclined to grant regular bail* to the applicant herein, on his furnishing personal bond in the sum of ₹10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior



permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.

ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.

iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.

iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.

12. Accordingly, the present bail application stands allowed and is disposed of.

13. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 27, 2026/rr

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