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

+ BAIL APPLN. 1062/2026

AQUEEL AHMAD

.....Applicant

Through: Mr. Rashid Hussain, Mohd. Nazim,
Mr. Sarique F. and Mohd. Furqan,
Advs.

Versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP with
Mr. Aditya Vikram Singh, Ms.
Upasana Bakshi and Ms. Divya
Bakshi, Advs.
SI- Mitthan Lal, PS: Sarita Vihar

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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09.04.2026

1. Status Report alongwith Service Report handed over by learned APP for State as well as the reply handed over by learned counsel for the complainant are all taken on record.
2. By virtue of the present application under *Section 482* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of anticipatory bail in proceedings arising out of FIR No.789/2025 dated 29.11.2025 registered under *Sections 115(2)/126(2)/110* of the Bharatiya Nyaya Sanhita, 2023 (**BNS**) at PS: Sarita Vihar.
3. *Succinctly put*, the aforesaid FIR was registered at the instance of



the complainant, as per whom on 27.11.2025 at around 10:30 PM, she as well as her son were attacked by the applicant herein with sticks and rods near the *Khandar Park* in Sarita Vihar when they went there to throw their garbage, consequent where to they were admitted to the AIIMS Hospital Trauma Centre. While the FIR was initially lodged under *Sections 115(2)/126(2) BNS*, upon obtaining and examining MLC Nos.500524150/2025 and 500524175/2025 of the complainant and her son respectively, *Section 110 BNS* was added to the same by the Police.

4. Before this Court, the sole ground urged by learned counsel for the applicant in support of the present application is the subsequent addition of *Section 110 BNS* to the aforesaid FIR, since, as per him, there is nothing in the contents of the FIR or the concerned MLCs which points towards attempt to commit culpable homicide, and hence, *Section 110 BNS* has been wrongly invoked by the Police. Barring the same, nothing else has been urged on behalf of the applicant before this Court.

5. The applicant herein is seeking grant of an anticipatory bail, and mere addition of *Section 110 BNS* in the aforesaid FIR by the Police is, under the facts and circumstances of the present proceedings, and in any event, can be no ground for this Court to proceed granting the same. This, is, especially, whence the Police, while conducting investigation, is well within its rights to analyse all relevant material(s) and take due steps in accordance with law.

6. Further, as held in *Srikant Upadhyay & Ors. vs. State of Bihar & Anr.:(2024) SCC OnLine SC 282* and *SFIO vs. Aditya Sarda:2025 INSC 477* by the Hon'ble Supreme Court, it is a settled position of law that anticipatory bail is not a matter of right, and this Court has to apply its



discretion carefully while considering the same, especially when serious offences are involved.

7. As such, finding no substance in the arguments addressed by learned counsel for the applicant, in view of the aforesaid, the present application is dismissed.

SAURABH BANERJEE, J

APRIL 9, 2026/Ab