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

+ **BAIL APPLN. 1737/2026**

NALIN KANT

.....Petitioner

Through: Mr. Ajay Paul, Ms. Geetu Paul, Mr. Giriraj Subramaniam, Ms. Aadhyaa Khanna Mr. Jaisal Baath, Mr. Ravi Verma, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for the State with SHO Kuldeep Kumar Tiwari, P.S. Janakpuri.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **07.05.2026**

CRL.M.A. 14000/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing no. 35/2026, registered at Police Station Janakpuri, Delhi for the commission of offences punishable under Sections 105/238(B)/9(2)/3(5)/340(2) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Briefly stated, the facts of the present case are that the FIR in question was registered on receipt of a PCR call on 06.02.2026, informing that a



motorcycle rider had fallen into a deep pit and was in need of immediate assistance. Upon receipt of the said information, police officials reached the spot, i.e. B-3B, near Andhra School, Janakpuri, New Delhi, where they found a young boy along with his motorcycle lying inside a pit measuring about 20 feet in length, 13 feet in width and about 14 feet in depth, which had been dug in the middle of the road. During the course of investigation, it was revealed that the said pit had been dug by the Delhi Jal Board [hereafter '*DJB*']. With the assistance of officials from the Fire Brigade, the injured boy was taken out of the pit and shifted to Deen Dayal Upadhyay Hospital; however, he was unfortunately declared brought dead. Thereafter, the Crime Team and the FSL Team were called at the spot, and investigation was taken up.

5. The learned counsel appearing for the applicant argues that the applicant is merely an employee of M/s KK Spun India Ltd. [hereafter '*KKSIL*'], working as General Manager, and has no role in the management or ownership of the company. It is argued that the applicant has been falsely implicated and cannot be held criminally liable merely on account of his designation. It is submitted that the work at the concerned site was being executed by M/s Trimurti Associates pursuant to a valid Sub-Contract dated 26.07.2025, which was within the knowledge and approval of the Delhi Jal Board [hereafter '*DJB*']. It is argued that the responsibility for on-site supervision and implementation of safety measures, including barricading and other safety equipment, rested with the subcontractor. It is further argued that safety equipment and barricading were already available at the site prior to the incident, and any alleged deficiency in placement thereof cannot be attributed to the applicant, who was neither present at the site nor



responsible for day-to-day supervision. It is argued that even if the allegations are taken at their face value, the ingredients of Section 105 of the BNS are not made out and, at best, the allegations may attract Section 106 of the BNS, which is a bailable offence. It is also argued that the applicant has joined investigation on multiple occasions and has fully cooperated with the Investigating Agency, and that no recovery is to be effected from him nor is any custodial interrogation required. The learned counsel further submits that co-accused Kavish Gupta and Himanshu Gupta have already been granted interim relief by the Hon'ble Supreme Court.

6. Per contra, the learned APP for the State opposes the bail application and argues that co-accused Kavish Gupta has only been granted interim protection from arrest by the Hon'ble Supreme Court till the next date of hearing, whereas co-accused Himanshu Gupta has been granted interim bail during the pendency of his bail application on account of non-filing of the status report by the State within the stipulated time. It is argued that during the course of investigation, it has been revealed that the applicant, being the General Manager of KKSIL, was the responsible officer of the company to whom subordinate officials reported the daily progress of the work and that he acted as the overall supervisory officer of KKSIL as well as the coordinator between DJB and KKSIL. It is further argued that the applicant had been specifically directed by KKSIL to ensure implementation of all safety measures during execution of the work. It is submitted that Section 105 of the BNS is a serious and non-bailable offence, punishable with imprisonment for life, and therefore the applicant does not deserve the relief of anticipatory bail.

7. This Court has **heard** arguments addressed on behalf of the applicant



as well as the State, and has perused the material available on record.

8. In the present case, this Court notes that during investigation, CCTV footage collected from the vicinity of the spot was analyzed, which allegedly revealed that no adequate precautionary measures, such as caution boards, barricades or safety markings, had been placed around the excavation pit at the relevant time. The investigation further revealed that immediately after the incident, co-accused Yogesh was seen placing barricades and curtains around the site. The status report further discloses that co-accused Yogesh had informed co-accused Rajesh about the incident shortly after its incident, who in turn had contacted co-accused Himanshu Gupta, and thereafter a group video call allegedly took place between co-accused Rajesh Kumar, Himanshu Gupta and the present applicant Nalin Kant during the early hours of 06.02.2026.

9. This Court also notes that during investigation, documents relating to the work order and subcontract arrangement between KKSIL and Trimurti Associates were recovered. The statements of DJB officials, including that of A.K. Grewal, Executive Engineer, DJB, have also been recorded, wherein it has allegedly surfaced that the present applicant, being the General Manager of KKSIL, was the responsible officer to whom subordinate officials reported the daily progress of the work and that he acted as the coordinator between DJB and KKSIL. The investigation further reveals that during site inspections, the applicant had specifically been directed by DJB officials to ensure implementation of safety measures during execution of the work.

10. This Court further notes, from the status report filed by the State, that the applicant was also a member of the WhatsApp group comprising



officials of DJB and KKSIL, wherein updates regarding the ongoing project were allegedly being shared regularly. Thus, at this stage, the material collected during investigation *prima facie* indicates that the applicant was not a mere employee having no concern with the execution of the project, but was occupying a position involving supervisory and coordinating responsibilities in relation to the work in question.

11. This Court also cannot ignore the allegations emerging from the investigation that immediately after the incident, instead of informing the authorities or making efforts to save the victim, attempts were allegedly made by the persons involved in execution of the work to place barricades and curtains around the site so as to conceal the absence of prior safety measures. The role and extent of involvement of each accused would, however, be a matter of trial, but at this stage, the material collected during investigation cannot be brushed aside.

12. Furthermore, this Court, while rejecting the anticipatory bail applications of co-accused Kavish Gupta and Himanshu Gupta vide order dated 25.02.2026, had *prima facie* observed *that* as per the terms of the contract, core functions such as monitoring, planning, management and quality assurance could not have been subcontracted by KKSIL; *that* the contractual clauses clearly placed the responsibility for signage, barricading, monitoring and safety measures entirely upon the contractor, who was also exclusively liable for any accident, injury or damage caused during execution of the work; *that* though permission had been granted to carry out the excavation work only during night hours, the excavation was allegedly carried out during the day on 05.02.2026 and the accident thereafter took place at night when no adequate safety measures were found at the site; *that*



the very execution of the alleged sub-contract dated 27.06.2025 required investigation since the same was allegedly executed even prior to the award of the principal contract itself; and *that* excavation of a 14 feet deep pit in the middle of a busy public road without adequate safeguards, in violation of the conditions of the work order and permissions granted, *prima facie* disclosed not merely negligence but knowledge of a high probability of human injury or death being caused.

13. Therefore, considering the nature of allegations, the manner in which the incident allegedly took place, the material collected during investigation regarding the alleged role of the applicant, this Court is not inclined to grant anticipatory bail to the applicant.

14. The bail application is accordingly dismissed.

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

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 07, 2026/zp

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