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

\# **CNR No. DLHC010455122026**

\+ BAIL APPLN. 4017/2026, CRL.M.As. 29689-29691/2026 & CRL.M.(BAIL) 1816-1816/2026

MOHD AMIR MALIK .....Petitioner

Through: Mr. Nishaank Mattoo, Mr. S. N. Khan, Mr. Utkarsh Aditya, Mr. Srajan Pandit and Mr. Soham Rawal, Advocates.

versus

STATE OF N.C.T. OF DELHI .....Respondent

Through: Mr. Shoaib Haider, APP for State.
S.I. Dipika, P.S. Adarsh Nagar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 02.11.2026

1. This application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1], seeks pre-arrest bail in FIR No. 726/2020, registered under Sections 376D/313/506 of the Indian Penal Code, 1860,[2] at P.S. Adarsh Nagar.

2. On 23rd September, 2026, this Court, after considering the submissions advanced by counsel for the Applicant and the State, passed the following order:

> *"1. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 20231 seeks anticipatory bail in FIR No. 726/2020 dated 11th November, 2020 registered at P.S. Adarsh Nagar for offences under Sections 376D, 313 and 506 of the Indian Penal Code, 1860.*
> *2. Counsel for the Applicant submits that the Applicant was initially*

[1] "BNSS"
[2] "IPC"

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sought to be identified as the person named as "Amir" in the FIR. It is submitted that the Applicant joined the investigation on 8th January, 2021, when he was confronted with the victim, who, according to her statement under Section 161 of the Code of Criminal Procedure, 1973, as well as the reply subsequently filed by the Investigating Officer in the bail application of the co-accused, stated that the Applicant was not the person who was present at the time of the alleged incident. It is further submitted that, after a considerable lapse of time, a supplementary statement of the victim was recorded under Section 180 of the BNSS on 12th December, 2024, pursuant to which the Applicant was implicated and a supplementary chargesheet was filed against him.

3. Counsel for the Applicant further submits that the Applicant was subsequently declared a proclaimed offender. However, the Revisional Court, vide order dated 12th January, 2026 passed in CR. Rev. 162/2025, has stayed the proceedings before the Trial Court.

4. Issue notice. Mr. Tarang Srivastav, APP for the State, accepts notice. Status Report be filed before the next date of hearing.

5. In the meantime, no coercive steps shall be taken against the Applicant, subject to the Applicant joining the investigation as and when directed by the Investigating Officer. The Applicant shall also not leave the country without prior permission of the Trial Court.

6. Re-notify on 2nd November, 2026."

3. In compliance with the directions issued by this Court, the Applicant has joined the investigation. Mr. Shoaib Haider, APP for the State, upon instructions from the Investigating Officer, W.S.I. Kiranjeet Kaur, P.S. Adarsh Nagar, confirms the same.

4. The Investigating Officer further confirms that when the Applicant was shown to the victim in the year 2021, she did not identify him as the person named "Amir" in the FIR. The victim, who is also present in Court, reiterates the same and states that the person, who was shown to her by the Investigating Officer at the Police Station, was not the person whom she had named as "Amir" in the FIR.

5. In view of the aforesaid submissions, particularly the statement made by the victim regarding the non-identification of the Applicant, and considering that the Applicant undertakes to join and cooperate with the

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investigation as and when required, this Court is of the view that the Applicant is entitled to the relief of anticipatory bail.

6. Accordingly, in the event of arrest, the Applicant shall be released on bail upon furnishing a personal bond in the sum of INR 25,000/- with one surety of the like amount, to the satisfaction of the concerned SHO, subject to the following conditions:

a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;

b. The Applicant shall not leave the country without informing the concerned Investigating Officer/SHO;

c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner.

d. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

7. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

8. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

9. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

NOVEMBER 2, 2026/*hc*

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