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

\# **CNR No. DLHC010492562026**

\+ BAIL APPLN. 4334/2026

YASAR HUSSAIN .....Petitioner

Through: Mr. Rashid Hashmi, Advocate.

versus

STATE GOVT. OF NCT OF DELHI .....Respondent

Through: Mr. Shoaib Haider, APP for the State with SI Saloni, PS Jama Masjid.
Mr. Moin Akhtar, Advocate for Complainant with Complainant in person.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 02.11.2026

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1], seeks regular bail in FIR No. 310/2024, registered at P.S. Jama Masjid under Sections 110/75/76/79/115(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023[2]. The Applicant was initially arrested on 26th August, 2024. He was granted regular bail by the Sessions Court on 8th November, 2024, which was subsequently cancelled by order dated 5th July, 2025. He has remained in custody since then. The Trial Court has since framed charges against the Applicant and the other co-accused under

[1] 'BNSS'

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Sections 109 (1)/75/76/79/115(2)/351(2) BNS read with Section 3(5) BNS

2. The prosecution case arises from a dispute between the parties concerning their residential property. It is alleged that, during an altercation on 25th August, 2024, the Applicant struck the complainant's mother on the head with an iron rod while the co-accused restrained her. Allegations of physical assault and outraging her modesty have also been made. The prosecution relies upon the medical evidence and attributes the principal role in the assault to the Applicant.

3. The Applicant was earlier released on bail subject to conditions restraining him from contacting or threatening prosecution witnesses. His bail was cancelled on 5th July, 2025, after the Sessions Court considered CCTV footage concerning an incident dated 14th March, 2025, outside the shop of the complainant's husband. The Court recorded that the Applicant had made offensive gestures and threatened a person acquainted with the facts of the case, thereby violating the conditions of bail. His subsequent applications were rejected, including by order dated 13th May, 2026.

4. The State, as well as counsel appearing for the complainant, oppose the application. They emphasise the gravity of the allegations, the Applicant's involvement in other criminal cases and, particularly, his conduct while previously on bail. Counsel for the complainant refers to the order dated 5th July, 2025, whereby bail was cancelled after the Sessions Court examined CCTV footage showing the Applicant outside the shop of the complainant's husband and found that he had violated the conditions of bail. It is submitted that the parties reside in the same building and that the Applicant's release would expose the complainant and her family to further

[2] 'BNS'

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intimidation, besides posing a risk of interference with the prosecution witnesses.

5. Counsel for the Applicant submits that the parties have been involved in a longstanding property dispute, which has also resulted in two cross-FIRs. He refers to the Applicant's mental-health difficulties and his previous admission to IHBAS. As regards the separate allegation of an assault with a blade upon another person, noticed during the cancellation proceedings, counsel submits that the State has not placed any FIR concerning that incident on record.

6. The Nominal Roll dated 29th October, 2026, records that the Applicant had undergone total custody of one year, six months and ten days as on 28th October, 2026, including one year, three months and twenty-four days since cancellation of his bail. His overall jail conduct and conduct during the preceding year are satisfactory, and no previous conviction is recorded. Three other criminal cases are pending against him, in which he is on bail. The affidavit filed on his behalf in October 2026 further records that charges have been framed, but none of the thirteen prosecution witnesses has been examined.

7. The cancellation of bail on 5th July, 2025, cannot be overlooked. Having examined the CCTV footage, the Sessions Court found that the Applicant had visited the shop of the complainant's husband, made offensive gestures and engaged in threatening conduct, in breach of an express condition of bail. The same order also refers to a DD entry concerning an alleged assault with a blade upon another person. However, no FIR or further material concerning the investigation of that incident has been placed before this Court.

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8. The Applicant has now remained in custody for over fifteen months following cancellation of bail. Although charges have since been framed, the prosecution evidence is yet to commence, as per the affidavit placed on record. The Sessions Court had earlier noted an adjournment attributable to the defence. Nevertheless, the continued incarceration and the present stage of trial warrant fresh consideration of his request for bail. The allegations are serious, particularly the injury attributed to the Applicant, but his further detention must be considered alongside the progress of the proceedings and the risk posed by his release.

9. Counsel for the Applicant has voluntarily undertaken that the Applicant shall reside at an alternative address, at least one kilometre away from the complainant's residence. He has also agreed that the Applicant shall report to the concerned Police Station every week for the first six months and once every month thereafter. These undertakings directly address the circumstances which led to cancellation of bail. Since the parties occupy different floors of the same building, the proposed change of residence, coupled with a prohibition against approaching the complainant's family or visiting their premises, would substantially reduce the possibility of further confrontation.

10. The Applicant's earlier bail was cancelled on account of his conduct while on bail, and not upon a reconsideration of the merits of the original order granting bail. It is stated that two of the criminal cases now cited as antecedents had also been registered before bail was initially granted. These circumstances must be considered alongside the Applicant's subsequent conduct and continued incarceration. In ***Mohseen v. State of Uttar***

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Pradesh[3], the Supreme Court recognised that previous cancellation does not impose an absolute bar to a fresh grant of bail, provided the reasons for cancellation are addressed, and fresh grounds or changed circumstances justify release. In the present case, the Applicant has undergone over fifteen months of further custody, the prosecution evidence is yet to commence, and the specific safeguards now offered directly address the circumstances which led to cancellation. Having considered these factors, this Court is persuaded that the Applicant may be granted bail, subject to strict conditions.

11. Accordingly, the application is allowed. The Applicant is directed to be released on regular bail upon furnishing a personal bond of ₹50,000/- with one surety of the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

(i) The Applicant shall, before his release, furnish to the Trial Court and the Investigating Officer the address at which he proposes to reside, which shall be at least one kilometre away from the complainant's residence. He shall not reside or stay within that distance and shall intimate any change of address in advance.

(ii) The Applicant shall not visit the residential building occupied by the complainant or the shop of her husband, nor shall he contact, approach, threaten or influence the complainant, the injured person, their family members or any prosecution witness, directly or indirectly.

(iii) The Applicant shall report to the SHO, P.S. Jama Masjid, every Monday between 10:00 a.m. and 12:00 noon for the first six months from his release, and thereafter on the first Monday of every month, until further

[3] 2026 INSC 526

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orders of the Trial Court.

(iv) The Applicant shall remain present before the Trial Court on every date of hearing, unless exempted, and shall keep his mobile number operational and available to the Investigating Officer.

12. The Applicant shall strictly observe these conditions. Any further attempt to intimidate the complainant or her family, interfere with the evidence or misuse the liberty granted shall entitle the prosecution to seek cancellation of bail.

13. The application stands disposed of. Nothing stated herein shall influence the Trial Court in its assessment of the evidence.

SANJEEV NARULA, J

NOVEMBER 2, 2026/ab

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