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

\# **CNR No. DLHC010516432026**

\+ BAIL APPLN. 4571/2026 & CRL.M.As. 33724/2026, 33725/2026

DHARMVEER SINGH .....Petitioner

Through: Mr. Mohit Mathur, Sr. Advocate with Mr. Ramneek Mishra, Mr. Vikas Chaudhary and Ms. Nikita Jha, Advocates

versus

STATE (GOVT.OF NCT OF DELHI) .....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the State with Insp. Nitin Kumar, ASI Raj Kumar, Special Staff, East District

Mr. Anil Sharma, Mr. Rohit Pandey, Mr. Arpit Sharma, Mr. Kunal Malhotra, Mr. Nitesh Mehra, Mr. R. Tyagi, Mr. Puran Sharma, Mr. Prashant Sharma, Mr. Mohit, Mr. Sachet Sharma, Ms. Priya Mittal, Mr. Omkar Sarma and Mr. Dhruv Gutpa, Advocates for complainant

**CORAM:**
**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**O R D E R**

**% 28.10.2026**

**CRL.M.A. 33725/2026** (for exemption)

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.



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**BAIL APPLN. 4571/2026**

3. The present application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ['BNSS'], seeking anticipatory bail in FIR No. 0439/2026 dated 13.10.2026 ['subject FIR'], registered at Police Station Madhu Vihar, Delhi, under Sections 110, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ['BNS'].

4. The facts of the case, as emerging from the FIR and the material placed on record, are as follows: -

4.1. The complainant is the vice president of the Ramleela committee. This committee conducts Ramleela at the Utsav Ground.

4.2. It is stated that on 12.10.2026, at about 09:30 PM, the complainant was waiting for his car on the Utsav Ground Back Side Road, near Park Inn Hotel, IP Extension, Delhi.

4.3. The complainant alleged that suddenly the Petitioner arrived at the spot along with certain other persons and attacked him with a sharp object with the intention of killing him. When the complainant attempted to protect himself, the said sharp object missed injuring him and went past him after grazing his cheek. The Petitioner is further alleged to have pressed the complainant's neck for a considerable period and stated, "*Aaj tera khel khatam*", before striking blows on his head, face, waist and other parts of his body.

4.4. It is further alleged that, upon noticing people approaching the spot, the Petitioner fled along with his associates while threatening the complainant with dire consequences.



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4.5. The complainant also stated that the incident could be seen in the CCTV footage of the Ramleela Ground.

4.6. Pursuant to a PCR call vide DD No. 99A dated 12.10.2026, the police reached the spot, and the complainant was taken to LBS Hospital. The MLC bearing No. M18001412618280, dated 12.10.2026, records an abrasion over the left cheek measuring approximately 2 x 0.6 cm, a complaint of pain over the chest and back, and a history of loss of consciousness. The nature of the injuries was recorded as 'U/O', and the final medical opinion is stated to be awaited.

5. The Investigating Officer ['IO'] issued notice under Section 35(3) BNSS to the Petitioner and thereafter the Petitioner approached the Sessions Court, Shahdara District, Karkardooma Courts, Delhi ['Sessions Court'], seeking anticipatory bail. The said application was dismissed vide order dated 23.10.2026.

6. In these facts, the Petitioner has approached this Court.

7. Mr. Mohit Mathur, learned senior counsel for the Petitioner submits that the FIR is motivated by political rivalry between the Petitioner's family and the complainant. He submits that the Petitioner's wife is the sitting Councillor of Ward No. 205, IP Extension, whereas the complainant's wife was the earlier councillor.

7.1. He states that the learned Sessions Court has given undue importance to the fact that the Petitioner is a history sheeter, who has 21 cases filed against him. He submits that petitioner has a political background and thus most of the cases are politically motivated. He states that even in this case



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the complaint is motivated. He states that the filing of the present complaint is intended to influence the upcoming elections in the year 2027. He submits that petitioner has been acquitted in many of those 21 cases as is evident from the details set out in the petitioner's affidavit dated 24.10.2026 filed with this petition in compliance with the judgment of the Supreme Court in **Zeba Khan v. State of U.P. & Ors.**[1]**.** He states that it is immaterial as to whether the acquittal happened due to the witnesses turning hostile. He submits that criminal cases are routinely filed against persons who are active in politics and therefore the said 21 cases ought not to be a criterion while considering the application for grant of anticipatory bail.

7.2. He states that even if all the allegations of the complainant are accepted to be correct, no case for registering the FIR under Section 110 BNS is made out. He states that complainant allegedly suffered an abrasion only. He states that on this basis FIR could not have been registered under Section 110 of BNS.

7.3. He further submits that the allegations in the FIR of use of a sharp object are not corroborated by the contemporaneous MLC, which records only an abrasion over the left cheek and complaints of pain over the chest and back. He contends that no injury has been recorded on the neck, notwithstanding the allegation that the Petitioner pressed the complainant's neck for a considerable period, and that no weapon of offence has been recovered.

[1] 2026 SCC OnLine 188



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7.4. He states that the CCTV footage of the date of the incident, which was played before the learned Sessions Court, merely shows some commotion without disclosing the alleged assault.

7.5. He states that the Petitioner is a permanent resident of Delhi and is willing to join and cooperate with the investigation, subject to such conditions as may be imposed by this Court.

8. Issue Notice.

9. Mr. Sanjeev Sabharwal, learned APP for the State accepts notice.

10. Learned APP submits that the State is opposing the grant of anticipatory bail. He states that the FIR contains specific allegations against the Petitioner by name and that the investigation is at an initial stage.

10.1. He states that the Petitioner has criminal antecedents, and has been involved in 21 criminal cases, including cases involving allegations under Sections 307 and 302 of the Indian Penal Code, the Arms Act and the UP Gangster and Anti-Social Activities (Prevention) Act, 1986 ['Gangster Act'].

10.2. He submits that an externment order dated 19.12.2024 was passed against the petitioner and he was externed for one year from April 2025 to April 2026. He states that unfortunately on his return the Petitioner has once again indulged in illegal activities leading to the registration of the subject FIR.

10.3. He submits that custodial interrogation of the Petitioner is required for the recovery of the weapon of offence and to ascertain the identity and role



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of the other persons who accompanied the Petitioner and were involved in the incident.

10.4. It is further submitted that the final medical opinion regarding the injuries sustained by the complainant is awaited.

11. Mr. Anil Sharma, learned counsel appearing on behalf of the complainant submits that the complainant has also suffered injury in his ear and he has once again visited the doctor for examination and the report is awaited.

12. This Court has heard learned counsel for the parties and has perused the material placed on record.

13. The allegations in the subject FIR have specifically named the Petitioner and alleged that the Petitioner, accompanied by other persons, attacked the complainant with a sharp object, pressed his neck, inflicted blows on various parts of his body and threatened to kill him. The complainant was immediately taken to the hospital on 12.10.2026 at 11:25 PM to the emergency where the history of assault was recorded. The complainant promptly lodged the complaint in the intervening night of 12.10.2026 and 13.10.2026 at 01:26 hrs and the FIR was registered at 01:46 hrs. These circumstances taken cumulatively prima facie show that the complainant was indeed attacked on 12.10.2026.

14. The Petitioner does not dispute his presence at the site on 12.10.2026 when the altercation allegedly occurred at Utsav ground.



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15. The Petitioner's affidavit shows that 21 criminal cases have been filed against him over a period of more than two decades starting with the year 2002. He was also externed from Delhi for a period of one year from April 2024 to April 2025. The Petitioner's lack of regard for rule of law is evidenced from the string of cases filed against him including FIRs for heinous offences. The assertion of the learned senior counsel that many FIRs ended in acquittal fails to persuade the Court since it is not stated to be a case of honourable acquittals. The submission of the Petitioner that lodging of criminal cases against persons who are active in politics is routine is not an argument which persuades this Court at all and is further evidence of the indifference of the Petitioner to the rule of law.

16. It is also the case of the prosecution, as recorded in the reply filed before the learned Sessions Court, that notice to join the investigation was served through the family members of the Petitioner, but he has not joined the investigation till then.

17. This Court is therefore of the considered opinion that since the investigation is at a nascent stage, and Petitioner ought to cooperate with the police in its investigation of the events which occurred on 12.10.2026. This Court is of the opinion that grant of anticipatory bail will hamper investigation. The veracity of the allegations in the complaint, and the precise role attributable to the Petitioner are to be examined by the police during the course of investigation and at trial. At the present stage while considering this application, however, the specific allegations in the FIR made by the complainant naming the petitioner are presumed to be bona fide



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and cannot be disregarded. The allegations in the FIR establish a reasonable basis for the police to seek interrogation of the Petitioner.

18. In this regard, this Court finds it apposite to rely on the dicta of the judgment of the Supreme Court in **Srikant Upadhyay v. State of Bihar**[2], wherein the Court has emphasised that the grant of anticipatory bail is an extraordinary power and wherein a warrant of arrest or proclamation has been issued, the applicant shall not be entitled to invoke the said extraordinary power. The relevant paragraph reads as follows: -

> "30. We have already held that **the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case. While called upon to exercise the said power, the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence**. We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases."
>
> ['Emphasis Supplied']

19. This Court is, therefore, not inclined to grant anticipatory bail to the Petitioner.

20. Accordingly, the present bail application is dismissed.

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[2] (2024) 12 SCC 382



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21. It is clarified that the observations made herein are solely for the purpose of adjudicating the present application for anticipatory bail and shall not be construed as an expression of opinion on the merits of the case. The same shall not prejudice the rights and contentions of the parties at any subsequent stage of the proceedings.

**MANMEET PRITAM SINGH ARORA, J**

**OCTOBER 28, 2026/**rhc/AM



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