



\$~7

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 4881/2025

PARDHUM MOURYA (IN JC/ THROUGH HIS PAIROKAR)

.....Applicant

Through: Mr. Kushal Kumar, Mr. Akash Deep Gupta and Mr. Rishabh Saxena, Advs.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the State with Ms. Vanshika Singh and Mr. Bhanu Pratap Singh, Advs.
SI- Amit Sharma, PS: Badarpur

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

18.03.2026

%

1. By virtue of the present application made under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) read with *Section 439* of the Code of Criminal Procedure, 1973 (**Cr. P.C.**), the applicant seeks grant of regular bail in case arising out of FIR No.301/2022 dated 14.07.2022 registered at PS: Badarpur, South-East District, Delhi under *Sections 304/326/324/34* of the Indian Penal Code, 1860 (**IPC**).
2. *Succinctly put*, an information *vide* DD No.141A regarding MLC No.500321991/2022 was received on 30.06.2022 at PS: Badarpur, South-East District, Delhi, pursuant thereto, the Investigating Officer (**IO**) went to All India Institute of Medical Sciences, Delhi (**AIIMS**), whereby although the victim/ injured, namely, Master Sabir (**victim**) was present, however, he was not in a condition to give any statement. Thereafter, the IO approached the family members of the victim, who stated that they were unaware as to



how the said incident transpired, thus the said MLC was kept pending. Subsequently, on 14.07.2022, whence the victim was in a condition to give a statement, he stated that on the day of the incident, three person(s) including the applicant herein, on the pretext that the victim had snatched their mobile phones, assaulted the victim and his three friend(s) with a sharp weapon/ knife and stones and as such, the present FIR was registered.

3. During investigation, as per the statements of the eyewitnesses under *Section 161* of the Cr. P.C., it was evinced that the applicant herein caught hold of Mr. Sagar (***deceased***) while he was trying to save the victim. More so, based on the MLC, the incumbent Doctor opined the nature of injury as grievous *qua* the victim, thus *Section 326* of the IPC was invoked. As such, the applicant was arrested on 26.08.2022 and was sent to judicial custody.

4. Thereafter, although charge-sheet was filed on 23.10.2022, however, as one of the injured, the deceased, later succumbed to his injuries on 11.10.2022, a supplementary charge-sheet was filed under *Section 304* of the IPC on 15.01.2023. In the proceedings before the learned Additional Sessions Judge-01 (POCSO), Saket Courts, South-East, Delhi (***learned Trial Court***), the charges were framed on 21.03.2024 and currently the matter is at the stage of prosecution witness.

5. As per learned counsel for applicant, the statements recorded under *Section 161* of the Cr.P.C. and the deposition under *Section 164* of the Cr.P.C., as also the evidence led at trial are inconsistent on material facts and do not establish any clear role of the applicant in causing harm to the alleged victim. Furthermore, the role attributed to the applicant, as per the charge-sheet, is confined merely to holding the deceased and in fact, Mr. Sameer (***PW-I***) failed to identify the applicant before the learned Trial Court, which



undermines the credibility of his statement. More so, three out of four witnesses have already been examined before the learned Trial Court as also there is no independent witness to support the prosecution version against the applicant.

6. The learned counsel for the applicant submits that since the trial is likely to take considerable time and the applicant has been in judicial custody since 26.08.2022, the same tantamount to pre-trial incarceration which is violative of *Article 21* of the Constitution of India as held by the Apex Court in ***Hussain & Anr. vs. Union of India: (2017) 5 SCC 702*** and ***Union of India vs. K.A. Najeeb: AIR 2021 SC 712***. Lastly, when the applicant was arrested, he was merely eighteen years old and he has no prior criminal antecedents. As such, learned counsel for applicant prays that the applicant be released on bail.

7. Learned APP for the State has handed over Status Report today in Court and the same is taken on record. Relying thereupon, the learned APP submits that the allegations against the applicant are serious in nature and as per the statements of the eyewitnesses, applicant had caught hold of the deceased and in the meanwhile, co-accused person, assaulted the deceased with a knife/ sharp weapon which ultimately caused death of the deceased. As also, *Sections 304/326/324/34* of the IPC have also been invoked in this matter. Based thereon learned APP for the State submits that if the applicant is released on bail, he may threaten/ influence the prosecution evidence and/ or abscond.

8. Heard learned counsel for the applicant as also the learned APP for the State and perused the documents as also the Status Report on record and the judgments cited at the bar.



9. *De hors* the nature and gravity of the offence, it cannot be denied that the applicant is a first-time offender, hardly having any significant role attributable to him as per the charge-sheet. In fact, *three* out of *four* prosecution witnesses have already been examined by the learned Trial Court as also there are no other public witnesses cited by the prosecution. Since majority of the prosecution witnesses have already been examined and the applicant is a young man with no prior antecedents, who has a long future ahead of himself as also the conduct of the applicant in the past one year has been “*Satisfactory*” while he was in judicial custody, this Court is of the opinion that the applicant has made out a case for grant of bail.

10. Accordingly, the present application is allowed and the applicant be released on regular bail in FIR No.301/2022 dated 14.07.2022 registered at PS: Badarpur, South-East District, Delhi under *Sections 304/326/324/34* of the IPC, upon him furnishing a personal bond in the sum of Rs.50,000/- [*Rupees Fifty Thousand Only*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:-

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as per prison records. If he wishes to change his residential address, he shall immediately intimate about the same to the IO by way of an affidavit.
- ii. Applicant shall surrender his passport, if any, to the IO, within three days.
- iii. Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.



- iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times and setting for location be kept on at all times.
 - v. Applicant shall report to the IO at PS: Badarpur, South-East District, Delhi once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
 - vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.
11. Accordingly, the present application is allowed and disposed of in the aforesaid terms.
12. Copy of this order be sent to the concerned Jail Superintendent for information and compliance thereof.
13. The observations expressed hereinabove, if any, being tentative in nature, will not come in the way of any subsequent proceedings, which shall be dealt on their own merits.

SAURABH BANERJEE, J

MARCH 18, 2026/Ab