



\$~13

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

+ **BAIL APPLN. 4922/2025**

**MOHD KAMAR @ GUDDU**

.....Petitioner

Through: **Mr. Kapil Singhal, Advocate**

versus

**STATE GOV.T OF NCT OF DELHI**

.....Respondent

Through: **Mr. Manoj Pant, APP for the State**

**CORAM:**

**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

**03.02.2026**

%

1. By way of the present application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing No.552/2025, registered at Police Station Nand Nagri, Delhi for the commission of offences punishable under Sections 109(1)/3(5) of Bharatiya Nyaya Sanhita, 2023 (hereafter '*BNS*').

2. Briefly stated the facts of the present case are that on 14.09.2025 at about 7:30 PM, the complainant Rashid was present at E-1 Park, Nand Nagri, Delhi, where he had parked his e-rickshaw, when the accused Kayyum @ Sanu asked him to remove the same. While the complainant was in the process of removing the e-rickshaw, the accused allegedly caught hold of him by his hair and started assaulting him, simultaneously calling his brothers Ayyub, Faeem, including the present applicant Kamar @ Guddu and other associates to the spot. On hearing the noise, the complainant's brothers Nahid@Riyaz and Hasimuddin @



Harun reached there, whereupon all the accused persons allegedly assaulted the complainant and his brothers with a sharp object and bricks lying nearby, causing head injuries to the complainant as well as his brothers. It is alleged that the accused persons acted in furtherance of their common intention and attacked the complainant and his brothers with an intention to kill them. Consequently, the present FIR came to be registered.

3. The learned counsel appearing on behalf of the applicant/accused argues that the present case arises out of a sudden scuffle and no specific or active role is attributable to the applicant, who has been falsely implicated due to his relationship with the co-accused, who is the real brother of the applicant/ accused. Further, it is contended that the present applicant/ accused has no criminal antecedents and himself suffered injuries in the incident, for which he has also lodged a separate complaint. It is also argued that there is no CCTV footage or independent material to support the allegation that the applicant/ accused caused injuries to the complainant. The applicant undertakes to join and cooperate with the investigation as and when required. Therefore, it is prayed that the applicant/accused be granted anticipatory bail.

4. *Per contra*, the learned APP appearing for the State, argues that the applicant/ accused actively participated in the commission of the offence and inflicted injuries upon the injured persons. It is further argued that the offence alleged is serious in nature. It is also contended that, the applicant/ accused has neither joined the investigation nor cooperated with the Investigating Agency despite opportunities having been granted. The learned APP apprehends that, if enlarged on bail, the applicant/accused may influence or intimidate the complainant and other material witnesses, who



belong to the same locality, Accordingly, it is prayed that the present bail application be dismissed.

5. This Court has **heard** arguments addressed on behalf of the applicant and the State, and has perused the case file.

6. The role attributed to the present applicant/accused, Kamar, is that he, along with other co-accused persons, allegedly participated in the assault upon the complainant. However, it is pertinent to note that the genesis of the incident and the initial altercation was between the complainant and the co-accused Kayyum, who is the real brother of the present applicant, arising out of a sudden dispute at the spot, which thereafter escalated and led to the alleged occurrence.

7. It is pertinent to note that the prosecution's version of events is not corroborated by any CCTV footage. Furthermore, the applicant/accused has no prior criminal involvement and has clean antecedents.

8. The Court further takes note of the fact that, in the same course of incident, the complainant in the present case allegedly inflicted a stab injury upon the present applicant/accused on his abdomen, as a result of which the applicant/accused was required to undergo surgical intervention. In respect of the said injury, the applicant/accused has also lodged a cross FIR bearing No. 553/2025.

9. Further, it is also an undisputed position that the other co-accused persons arrested in connection with the same incident have already been granted bail by the trial court.

10. Keeping in view all the facts and circumstances mentioned hereinabove, and that the applicant/accused has undertaken to continue to join the investigation as and when required by the concerned Investigating



Officer. This Court is inclined to *grant anticipatory bail* to the applicant, and in the event of arrest, the applicant shall be released on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount, subject to the satisfaction of the SHO/I.O concerned on the following terms and conditions:

- i) The applicant shall join the investigation, as and when called by the concerned IO/SHO and shall remain available on mobile numbers; shared by him with the Police.
  - ii) The applicant shall not leave NCT of Delhi without prior permission of the concerned IO/SHO and shall also surrender his passport with the Police.
  - iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
  - iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned I.O/SHO.
11. The bail application stands disposed of.
12. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
13. The order be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**FEBRUARY 03, 2026/a**

**GJ/RB**