



2026:DHC:8875



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 07.10.2026

CNR No.DLHC010361892026

+ BAIL APPLN. 3187/2026

ANIKET

.....Petitioner

Through: Mr. Chetan, Ms. Deepika, Advts.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh (APP)
SI Ashish Sharma (PS Nand Nagri)**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") read with Section 528 of the BNSS seeking grant of regular bail arising out of FIR No. 0324/2025 registered at P.S. Nand Nagri, under Sections 109(1), 3(5) of the Bhartiya Nyaya Sanhita, 2023 ("BNS") and sections 25, 27 of the Arms Act, 1959.

2. The applicant herein has been in judicial custody since 04.06.2025. The allegation of the complainant is that, on 03.06.2025, at approximately 08:45 P.M., he had gone to a wine shop situated at E-Block, Nand Nagri, where he was confronted and assaulted by four persons. The specific allegation against the applicant is that he, along with another participant, caught hold of the complainant, while two others (i.e. Salman and Fardeen)

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assaulted him. It is alleged that Salman took out a knife and inflicted injuries upon the complainant.

3. It is contended on behalf of the applicant, that the applicant himself did not inflict any injuries upon the complainant.

4. It is also pointed out that the knife by which the said assault was committed, was recovered at the instance of another co-accused viz. Salman, and no recovery of the said weapon has been effected at the instance of the applicant.

5. Importantly, the investigation in the matter stands concluded and the charge-sheet has already been filed. Charges against the applicant were framed on 09.04.2026 under Sections 109(1) and 3(5) of the BNS. The matter is now listed for Prosecution Evidence (P.E.) on 09.10.2026.

6. Learned counsel for the applicant has submitted that the applicant has been in custody for approximately 16 months and that the investigation stands concluded and the charge-sheet has already been filed.

7. The aforesaid contentions of learned counsel for the applicant are merited. The applicant has remained in judicial custody since 04.06.2025, and the investigation in the matter already stands concluded with the filing of the chargesheet. Charges have also been framed and the matter is now at the stage of prosecution evidence. The trial is, therefore, likely to take some time to conclude, and no further investigative purpose is to be served by keeping the applicant in custody.

8. In the present case, the role attributed to the applicant also assumes significance. As per the prosecution case itself, the applicant is alleged to have caught hold of the complainant, while the actual knife assault is



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attributed to co-accused Salman. The weapon allegedly used in the commission of the offence was also recovered at the instance of co-accused Salman and not at the instance of the applicant. The precise role attributed to the applicant, is distinct from that of the co-accused who is alleged to have used the knife for commission of the offence.

9. It is also relevant to note, that, although charges were framed on 09.04.2026, the matter has not substantially progressed thereafter. The complainant/ victim, who is stated to be a material witness, is yet to be examined. It is further noticed that the matter was fixed for recording of his evidence, but the complainant did not appear and the learned trial Court was thereafter, constrained to issue bailable warrants for securing his presence.

10. The previous involvement of the petitioner in some cases which have not resulted in conviction, cannot, by itself, be a ground to deny bail when the other circumstances of the case otherwise favour the applicant. In this regard, it is relevant to note the observations of the the Supreme Court in ***Prabhakar Tewari v. State of U.P.***, (2020) 11 SCC 648, wherein it was, *inter-alia*, observed as under:

“7. The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.....”

11. In the facts and circumstances of the present case, particularly (i) the applicant’s custody since 04.06.2025; (ii) completion of investigation, and filing of the chargesheet; (iii) framing of charges; (iv) the individual role attributed to the applicant; (v) the fact that the weapon of offence is attributed to and recovered at the instance of the co-accused; and (vi) the present stage of the trial, this Court is of the view that the applicant has



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made out a case for grant of regular bail. In the present case, the continued incarceration of the applicant, when the trial is yet to substantially progress, would not serve any further purpose.

12. Reliance in this regard may be placed upon the judgment rendered by the Supreme Court in **Kapil Wadhawan v. CBI**, 2025 SCC OnLine SC 3038, wherein it was observed as under:

“11. Having heard parties at length, we need to observe certain settled principles under the bail jurisprudence. There is no gainsaying that under Indian law “bail is the rule and jail is an exception” is etched in the ethos of criminal jurisprudence. This rule stems from the fact that criminal law presumes a person to be innocent unless proven otherwise. Meaning that generally an under-trial prisoner ought not be placed behind bars indefinitely unless there is clear threat to society, influencing witnesses/inquiry or he is a flight risk etc. This rule also ensures that process is also not made punishment, wherein a person is jailed for very many years pending trial. Bail under the Code is a qualified right of an accused before conviction, wherein the accused is not guaranteed bail, rather it puts onus on the prosecution to establish as to why the under-trial prisoner should not be enlarged on bail. Any deviation in the above proposition is constitutionally circumspect.

12. This brings us to the right to speedy trial which is an inseparable facet of Article 21 of the Constitution. Where delay in investigation or trial is such that incarceration becomes unduly prolonged, the constitutional guarantee of fairness is irreparably compromised. This Court in Surinder Singh v. State of Punjab, (2005) 7 SCC 387 held that while it would be impossible to lay down any invariable rule or evolve a straitjacket formula for grant of bail on completion of a specified period of detention in custody; unduly long deprivation of liberty pending trial strikes at the heart of Article 21.

13. Aforesaid principle was further elaborated upon by a three judge Bench decision of in Court in Union of India v. K.A. Najeeb, (2021) 3 SCC 713, wherein this Court while balancing the statutory regimes in Special statutes with that of the undertrials constitutional rights, held as follows:

*“15. This Court has clarified in numerous judgments that the liberty guaranteed by Part III of the Constitution would cover within its protective ambit not only due procedure and fairness but also access to justice and a speedy trial. **Once it is obvious that a timely trial would not be possible and the accused has suffered***



incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.”

(emphasis supplied)

14. *Fundamentally every accused before this Hon'ble Court seeking bail is an undertrial, clothed with the presumption of innocence, a foundational postulate that does not dissolve merely because allegations are serious or the statute invoked is stringent. It is established through a catena of decisions that pre-trial incarceration cannot be allowed to degenerate into punishment without adjudication, and courts are constitutionally obliged to intervene where long custody becomes disproportionate, arbitrary, or excessive.....*”

13. In ***Arvind Dham v. Enforcement Directorate***, (2026) 7 SCC 330, the Supreme Court, while granting bail, has observed as under:

“15. It is well settled that if the State or any prosecuting agency including, the court concerned has no wherewithal to provide or protect the fundamental right of an accused, to have a speedy trial as enshrined under Article 21 of the Constitution, then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime [Javed Gulam Nabi Shaikh v. State of Maharashtra, (2024) 9 SCC 813 : (2025) 1 SCC (Cri) 222] . The aforesaid proposition was quoted with approval by another two-Judge Bench of this Court and it was held that long period of incarceration for around 17 months and the trial not even having commenced, the appellant in that case has been deprived of his right to speedy trial [Manish Sisodia v. Enforcement Directorate, (2024) 12 SCC 660 : (2026) 1 SCC (Cri) N-14] .

17. A three-Judge Bench of this Court in Padam Chand Jain [Padam Chand Jain v. Enforcement Directorate, 2025 SCC OnLine SC 1291] , reiterated that prolonged incarceration cannot be allowed to convert pretrial detention into punishment and that documentary evidence already seized by the prosecution eliminates the possibility of tampering with the same.

18. The right to speedy trial, enshrined under Article 21 of the Constitution, is not eclipsed by the nature of the offence. Prolonged incarceration of an undertrial, without commencement or reasonable progress of trial, cannot be countenanced, as it has the effect of converting pretrial detention into form of punishment. Economic offences, by their very nature, may differ in degree and fact, and therefore cannot be treated as homogeneous class warranting a blanket denial of bail.”



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14. Considering the aforesaid circumstances, the applicant is granted regular bail on furnishing a personal bond of Rs. 25,000/- with one surety of the like amount to the satisfaction of the learned trial Court. The same shall be subject to the following conditions:-

- i. The applicant shall attend every hearing unless exempted by the trial Court.
- ii. The applicant/accused shall not leave NCT of Delhi or travel out of the country without prior permission of the trial Court;
- iii. The applicant/accused shall provide his permanent address to the trial Court, and also the address where he will be residing during the pendency of the case;
- iv. The applicant/accused shall intimate the Investigating Officer (IO) and file an affidavit before the trial Court regarding any change in his residential address;
- v. The applicant/accused shall furnish his mobile number to the Investigating Officer (IO)/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall be kept switched on, with location services enabled at all times, and the same shall be shared with the IO. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;
- vi. The applicant/accused shall report to the IO as and when called for by the IO;
- vii. The applicant/accused shall not directly or indirectly contact the



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complainant, any prosecution witness, and their family members;

- viii. The applicant/accused shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever;
 - ix. The applicant/accused shall appear before the trial Court on each and every date of hearing;
 - x. The applicant/accused shall not indulge in any criminal activity during the period of bail; and
 - xi. The applicant/accused shall report to the concerned SHO, on the first Monday of every month at 11:00 a.m. and be discharged by 12:00 noon, after recording his presence and completion of the necessary formalities.
15. The petition is disposed of in the above terms.

SACHIN DATTA, J

OCTOBER 7, 2026/uk