



2026:DHC:8265



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 23rd September, 2026
Pronounced on: 24th September, 2026

CNR No. DLHC010085822026

+ BAIL APPLN. 937/2026

BHARAT SINGH

.....Applicant

Through: Mr. Ajay Solanki, Mr. Ashish Upadhyay, Ms. Nitika Tyagi, Mr. Amit Solanki, Mr. Hemant Verma and Mr. Mayank Varma, Advs. (Through VC)

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the State
Mr. Deep Chand and Ms. Susheela Prajapat, Advs. for Victim
Mr. SI Rakesh Kumar, PS Sec-23, Dwarka
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CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****JUDGMENT****MINI PUSHKARNA, J.**

1. The present application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), corresponding to Section 439 of the Code of Criminal Procedure, 1973 ("CrPC"), read with



Section 528 of the BNSS, corresponding to Section 482 of the CrPC, seeking regular bail in connection with *FIR 138/2025* dated 09th May, 2025, registered at Police Station (“PS”) Sector 23, Dwarka, Delhi, under Section 118(1) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”).

2. Upon completion of the investigation with regards to the aforesaid FIR, a Chargesheet was filed by the Investigating Officer (“IO”), wherein the charges were amended to include offences under Sections 118(2) and 190(1) of the BNS.

3. This Court is informed that the applicant had earlier moved an interim bail application under Section 483 of the BNSS, which was dismissed *vide* order dated 15th October, 2025, passed by the Additional Session Judge-02, Dwarka Courts, New Delhi in *Bail Matter 1840/2025*.

4. Thereafter, another bail application filed on behalf of the applicant under Section 483 of the BNSS was dismissed *vide* order dated 18th November, 2025, passed by the Additional Sessions Judge-02, Dwarka Courts, New Delhi.

Brief Facts

5. Succinctly put, as per the prosecution, Mr. Satpal (“**complainant**”) and Mr. Sunil (“**victim**”) are stated to be friends with the applicant, i.e., Mr. Bharat Singh.

6. On the date of the incident, i.e., 08th May, 2025, at about 02:00 PM, the applicant had called the complainant and the victim to help him with loading goods into a truck, after which they consumed alcohol together. Thereafter, the complainant and the victim returned to their rented accommodation.

7. Later on the same date, at about 08:00 PM, the applicant called the



complainant and the victim again, asking them to come to his house. As soon as they arrived, a scuffle broke out among the three, during which the applicant allegedly hit the victim with a sharp, metal-like object. Thereafter, the victim was taken to the hospital for treatment.

8. As per the reply filed by the IO dated 17th November, 2025, before the Additional Session Judge, during the course of the investigation and as per the medical opinion of the concerned doctor, it was revealed that the victim had sustained grievous injuries, resulting in the damage of one kidney, which had to be surgically removed.

Submissions

9. In the proceedings before this Court, learned counsel for the applicant has submitted as follows:

- 9.1. The applicant is a young married man of only 26 years of age and is the sole earning member of his family. He has no prior criminal antecedents prior to this case.
- 9.2. The intent of the applicant was not to hurt Sunil, i.e., the victim, in any manner. The applicant, complainant and the victim were highly intoxicated, which resulted in the situation spiralling out of hand. Since the applicant was intoxicated and was not in his senses, the alleged incident took place in the spur of the moment.
- 9.3. The Blood Alcohol Content (“BAC”) of the applicant at the time of the alleged incident was 172 mg, while the BAC of the victim was 177.3 mg, as per his Medico-Legal Case (“MLC”) Report provided by the Indira Gandhi Hospital, New Delhi.
- 9.4. The entire case of the prosecution is premised on the assumption that the alleged injury caused by the applicant is responsible for the kidney



damage of the victim. Whereas, no documents are on record which indicate that the kidney of the victim was damaged because of the alleged incident.

- 9.5. The Additional Sessions Judge dismissed the bail application of the applicant *vide* order dated 18th November, 2025, on the ground that there is a strong apprehension that the applicant may influence/threaten the prosecution witnesses. However, the same has been done without considering the fact that the applicant has duly joined the investigation and has already spent fourteen months in Central Jail-04, Tihar, New Delhi.
- 9.6. The Chargesheet has already been filed in the present case on 27th September, 2025, and the evidence has been seized and taken into custody by the IO. Therefore, the custody of the applicant is not required and granting bail to him will be in the interest of justice. Moreover, he is a young married man of only 26 years of age, with no prior criminal antecedents prior to this case.
- 9.7. Further, during the course of the proceedings before the Trial Court, one of the prosecution witnesses, i.e., the complainant, is contended to have become hostile, and is not supporting the case of the prosecution.
10. *Per contra*, learned Additional Public Prosecutor (“APP”) for the State, as well as learned counsels for the complainant and the victim, have vehemently opposed the present bail application.
11. It is submitted that the applicant inflicted an injury on a vital organ of the victim being his kidney, and it had to be subsequently surgically removed.



12. Further, the charges against the applicant are also for attempt to murder and not merely grievous injury, as sought to be contended by the applicant.

13. It is further submitted that the recovery of the crime weapon, i.e., knife was made at the instance of the applicant. Further, the applicant fled from the spot leaving the victim in a pool of blood. Furthermore, the Forensic Science Laboratory Report is also against the applicant. These are all relevant factors sufficient to deny regular bail to the applicant.

14. It is also submitted that the victim and his family members have been receiving threats from various sources related to the applicant *qua* the present FIR.

Analysis

15. Heard the learned counsels for the parties and perused the record.

16. At the outset, this Court bears in mind that while dealing with an application for bail, it is not to undertake a threadbare analysis of the case of the prosecution and the materials on record, but to consider the broad, well-settled factors governing the grant of bail, namely, the nature and gravity of the offence, the risk of absconding, the character of the evidence and circumstances of the accused, the societal repercussions of the release of the accused, and the likelihood of witness intimidation and evidence tampering.

17. Additionally, it has been held in various judgments that at the stage of adjudicating a bail application, the Court would not be justified in going into evidence on record at such depths so as to ascertain probability of the conviction of the accused for alleged offences, as the same must be decided during Trial.

18. Having heard learned counsels for the parties, this Court notes that



chargesheet in the present matter has already been filed on 27th September, 2025 before the Additional Chief Judicial Magistrate, Dwarka Court, Delhi. This Court is informed that there are twenty-two witnesses to be examined and that only the complainant has been examined as yet; the victim is yet to be examined.

19. This Court records the submission made by learned counsel for the complainant and victim that the applicant after attacking the victim fled from the site, leaving the victim in a pool of blood. Further, the victim is not stable after his injury since his kidney had to be removed.

20. It is also pertinent to note the submission made before this Court that the family members of the applicant had threatened the complainant as well as the victim of dire consequences on account of pursuing the proceedings in connection with the *FIR 138/2025*.

21. The case is still at the initial stage, wherein, the victim is yet to be examined. Therefore, any order granting bail to the applicant may have an adverse effect on the proceedings before the Trial Court, as there is a reasonable apprehension of threat to the complainant and victim.

22. Reference may be made to the judgment of the Supreme Court in the Case of *Bhagwan Singh Versus Dilip Kumar alias Deepu alias Deepak and Another*, (2023) 13 SCC 549, wherein, it has been held as follows:

“xxx xxx xxx

Discussion and findings

11. The grant of bail is a discretionary relief which necessarily means that such discretion would have to be exercised in a judicious manner and not as a matter of course. The grant of bail is dependent upon contextual facts of the matter being dealt with by the Court and may vary from case to case. There



cannot be any exhaustive parameters set out for considering the application for grant of bail. However, it can be noted that:

11.1. While granting bail the court has to keep in mind factors such as the nature of accusations, severity of the punishment, if the accusations entail a conviction and the nature of evidence in support of the accusations.

11.2. Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the Court in the matter of grant of bail.

11.3. While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought to be always a prima facie satisfaction of the Court in support of the charge.

11.4. Frivolity of prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to have an order of bail.

xxx xxx xxx”

(Emphasis Supplied)

23. Taking an overall view of the facts and circumstances and having regard to the nature and gravity of the accusation, the stage of the trial with the victim yet to be examined, and the reasonable apprehension of the witnesses being influenced, the applicant has been unable to make out a case for grant of regular bail at this stage.

24. The submissions made by the counsel for the applicant today before this Court, do not constitute a change in circumstances warranting a departure from the view taken by the Additional Sessions Judge in the order dated 18th November, 2025.

25. It is clarified that the observations made herein are purely for the purpose of adjudication of the present bail application, and the same shall not be construed as an expression of opinion on the merits of the case.



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26. Accordingly, the present application is dismissed.

MINI PUSHKARNA, J

SEPTEMBER 24, 2026/KR