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

\# **CNR No. DLHC010275302026**

\+ BAIL APPLN. 2431/2026

ADITYA .....Petitioner

Through: Mr. Pulkit Jain, Ms. Alisha, Ms. Malvika Rai, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for the State with Mr. Narender Kumar, Advocate along with SI Ankit Tomar, PS Kotwali.
Mr. Sarthak Karol, Advocate (DHCLSC) with Ms. Neelankshi Bhadauria, Advocate for Victim.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 13.10.2026

1. By this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the Applicant, Aditya @ Nepali, seeks regular bail in FIR No. 206/2025 dated 20th March, 2025, registered at P.S. Kotwali, Delhi, for the offence under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"]. Pursuant to the investigation, a chargesheet under Sections 109(1)/3(5) BNS has been filed.

2. The prosecution case arises from an incident dated 19th March, 2025, near Vijay Ghat, behind the Red Fort. The victim, Santosh Kumar, was allegedly sitting with his two friends, at about 4:00 PM, when two boys started misbehaving with them. After the victim and his friends reprimanded them, the boys left but returned at about 4:30 PM with two others. A quarrel

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ensued, during which the assailants allegedly damaged the victim's car with bricks. It is alleged that three of the assailants caught hold of the victim while the fourth, Sahil, repeatedly stabbed him with a knife. The Applicant is alleged to have been among those who restrained the victim, while Sahil committed the act of stabbing. The medical record notes multiple injuries to the victim's abdomen, back, left arm, left forearm and left eye. The injuries were, subsequently, opined to be grievous in nature.

3. Mr. Pulkit Jain, counsel for the Applicant, submits that no injury is attributed directly to the Applicant and that no weapon has been recovered from him. He points out that although the Applicant's identity and address were allegedly known to the investigating agency since March 2025, the Applicant was arrested only on 11th January, 2026, from his residence. No proceedings were initiated to declare him an absconder. Mr. Jain further submits that the investigation *qua* the Applicant stands completed, that the Applicant has no criminal antecedents and that his continued incarceration serves no useful purpose. He places particular reliance on the testimony of the victim, recorded on 23rd September and 8th October, 2026, in which the victim did not identify the Applicant as one of the assailants.

4. Mr. Yudhvir Singh Chauhan, APP for the State, opposes the application, emphasising the seriousness of the offence, the multiple stab injuries sustained by the victim and the Applicant's alleged role in restraining the victim while Sahil assaulted him with a knife. The State apprehends that the Applicant's release may expose the victim and other prosecution witnesses to intimidation and adversely affect the trial.

5. The allegations are undoubtedly serious. The victim sustained multiple injuries caused by a sharp weapon, including injuries to vulnerable

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parts of the body. The allegation against the Applicant cannot be discounted merely because he is not alleged to have wielded the knife. If the prosecution establishes that the Applicant restrained the victim, while Sahil assaulted him, in furtherance of a common intention, his liability will have to be considered accordingly. These aspects must receive due weight while considering bail.

6. There is, however, a significant development in the evidence since the Sessions Court declined bail. The victim, examined as PW-1 on 23rd September, 2026 and further examined on 8th October, 2026, has supported the occurrence of the assault but has not identified the Applicant as one of the assailants. He identified Sahil as one of the persons pelting stones but stated that he could not identify the other assailants. During his further examination, he explained that, after sustaining an injury to his left eye, he was unable to see properly and could not identify the person who stabbed him. Significantly, when the prosecution suggested that the Applicant, who was present in Court, was among the four assailants, the victim expressly denied the suggestion.

7. This testimony assumes significance because, according to the supplementary chargesheet, the victim identified the Applicant at his residence on 11th January, 2026, following which he was arrested. The victim's testimony before the Trial Court, therefore, presents a materially different position regarding the Applicant's identification.

8. The Court is conscious that PW-1 has also supported the allegation that three persons restrained him while another inflicted knife injuries. For the purposes of the present application, the occurrence of the assault is not in doubt. The question, however, is whether the Applicant was one of those

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persons. The victim's testimony does not presently support the identification of the Applicant as one of the assailants.

9. This is not to suggest that the earlier identification was necessarily incorrect or that the prosecution cannot establish the Applicant's involvement through other evidence. The prosecution has also suggested that the witness has been won over, an allegation which he has denied. These matters must be examined at trial. For the present purpose, however, the victim's testimony is a relevant circumstance that was not available when bail was earlier refused. The Court may give due weight to this circumstance without assessing the witness's credibility in detail or expressing any view on the Applicant's guilt.

10. Other circumstances also merit consideration. The Applicant was about 19 years and 6 months at the time of the alleged incident and has remained in custody since 11th January, 2026. No other criminal involvement has been reported against him, and his jail conduct is satisfactory. The investigation *qua* the Applicant stands completed, and the supplementary chargesheet has been filed. Although the State apprehends that the Applicant may influence witnesses or evade trial, no specific instance of intimidation or interference attributable to him has been brought to the notice of this Court. The victim has been examined, and appropriate conditions can be imposed to safeguard the remaining proceedings.

11. Having considered the seriousness of the accusation, the material presently available regarding the Applicant's identification, his clean antecedents, and the period of custody undergone, the Court is of the opinion that further incarceration is not necessary at this stage.

12. Accordingly, the application is allowed. The Applicant shall be

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released on regular bail upon furnishing a personal bond of INR 25,000/- with one surety of the like amount to the satisfaction of the Trial Court/Duty MM, subject to the following conditions:

a. The Applicant shall appear before the Trial Court on every date of hearing, unless exempted;

b. He shall not directly or indirectly contact, threaten, induce or influence the victim or any other prosecution witness. He shall not tamper with the evidence, in any manner whatsoever;

c. He shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;

d. He shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

e. He shall not leave the country without permission of the Trial Court.

13. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

14. Any observations made in this order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

15. The application is disposed of in the above terms.

SANJEEV NARULA, J

OCTOBER 13, 2026/ab

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