

Bail Matter No. 1165/2026

State vs Vikas @ Kalia

FIR No. 399/2024

U/s. 232 (1)/351 (2)/3 (5) BNS

PS Nabi Karim

15.06.2026

Present: Sh. Rajiv Kamboj, Ld. Addl. PP for State.
Sh. Aniket Pawar, Sh. Sarvesh Kumar and
Parveen Gaur, Ld. Counsels for applicant/
accused.
IO SI Harsh in person.
Sh. Sarvesh Kumar and Sh. Parveen Gaur, Id.
Counsels for the complainant.

This is an application for grant of bail moved by
the accused u/s. 483 BNSS for grant of regular bail.

Detailed reply to the application has been filed by
the IO.

The bail application is strongly opposed by Ld.
Addl. PP for the State.

In his application, it is stated by Ld. Counsel for
applicant/accused that accused was arrested on 23.05.2026 in
the above mentioned FIR and presently in J/c. Copy of FIR
is annexed with the application. It is submitted that the
allegations revealed in the FIR are false, fabricated and highly
exaggerated and the present FIR has been registered without
proper appreciation of facts of law. It is submitted that
earlier also the applicant/accused moved his application
before the Hon'ble High Court for grant of anticipatory bail

and the interim protection was granted to the applicant/accused and finally his bail application was dismissed on account of non appearance of the applicant/accused and interim protection was vacated by the Hon'ble High Court. It is submitted that applicant/accused could not join the investigation and could not appear before the Hon'ble High Court due to unavoidable circumstances as the wife of the accused is at an advanced and medically critical stage of pregnancy. It is further stated that law on the issue of 195 A IPC is clear that no such FIR can be registered by the police without filing a complaint in writing before the Court where the trial is pending.

The bail application has been strongly opposed by Id. Addl. PP for the State on the ground that applicant/accused is gangster who is involved in so many criminal cases and he is involved in seven cases. Earlier the applicant/accused has moved the application for grant of anticipatory bail which was dismissed by the Court of Ld. ASJ on 12.11.2024.

Ld. Counsel for applicant/accused has relied on the judgment titled as Salin @ Shalu @ Salim Vs. State of U.P. & Ors. Passedin SLP (Criminal) No. 3152 of 2023 passeds by the Hon'ble Apex Court vide order dated 08.08.2023.

On the other hand, Ld. Counsel for complainant has relied on the judgment titled as State of Kerala Vs. Suni @ Sunil arising out of SLP (Crl.) No. 6238 of 2024 decided by Hon'ble Supreme Court on 20.08.2025 by the Hon'ble Division Bench. While the judgment so relied by Ld. Counsel for applicant/accused is a single bench judgment of Hon'ble

Apex Court. In the judgment State of Kerala Vs. Suni @ Sunil (Supra), the judgment so relied by counsel for applicant/accused has been dealt with and para No. 28 and 29 are relevant wherein the law of procedure relating to registration of FIR under Section 195 A Cr.P.C and corresponding Section 232 (1) of BNSS discussed, therefore as it is well settled by the Hon'ble Apex Court that the law and procedure as provided by the judgment State of Kerala Vs. Suni @ Sunil is the correct law. Wherein it is held by the Hon'ble Apex Court that the correct method of construing and giving effect to the relevant provisions in relation to an offence under Section 195 A IPC is observed to be correct in the judgment State of Kerala Vs. Suni @ Sunil (Supra).

Though, FIR has been registered by the police under Section 232 (1) of BNSS which is akin to Section 195 9A) Cr.P.C and police is having every power to register the case in respect of the offences.

Accused is a habitual offender and facing trial in matters but at the same time, he was on bail and he has been arrested by the police in the present FIR on 23.05.2026 and one of the co-accused is already enlarged on anticipatory bail by the Court of Ld. ASJ and the offences as invoked in the said FIR are punishable upto maximum seven years. Accordingly, keeping in view the facts and circumstances of the case and nature of offence as well as the period of custody, applicant/accused Vikas @ Kalia is admitted on bail on furnishing personal bonds in the sum of Rs. 50,000/- each with two sureties of like amount. Accused shall not temper with the evidence in any matter and shall join the investigation

with the IO as and when required by the IO and shall appear before the Court to face trial. Accused shall not make any contact with the complainant or witness in any manner and shall not indulge himself in any other criminal activity during the period of his bail. In case, if the accused is found involved in similar type of case, prosecution is at liberty to get his bail cancelled from the Court concerned. Application is disposed of accordingly. Nothing said herein above shall tantamount to any expression or opinion of this Court on the merits of this case and all the observations has been made only for the disposal of the present bail application. Copy of the order be given Dasti.

(MUKESH KUMAR)
Vacation Judge/DJ (Comm)-11,
Central, Tis Hazari Courts.
15.06.2026.