

State Vs. Khurshid

CNR No.: DLCT01-006215-2026

SC No. 425/2026

FIR No. 02/2026

Under Section 309(2)/311/317/3(5) BNS

PS : Sarai Rohilla Railway Station

08.07.2026

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Nikhil Anand and Mr. Rupesh Kumar Shahi, Ld.
Counsel for the accused, namely, Khurshid.

ORDER

1. This is an application, moved on behalf of applicant, namely, Khurshid (*'applicant/accused'* for short), in terms of provisions under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*), seeking regular bail.

2. Learned Counsel for the applicant outrightly submitted that the applicant is innocent and has been falsely implicated in the present case by the police officials of concerned Police Station. In this regard, Ld. Counsel further submitted that the applicant has nothing to do with the alleged offence, with which he has been charged with. Ld. Counsel further contended that the applicant has been languishing in judicial custody since 14.01.2026, without there being any fault on his part. As per Ld. Counsel, the FIR explicitly states that two persons fled along with mobile phone and a purse, however, chargesheet claims that the applicant led the police to the mobile phone, this contradiction severely undermines the credibility of the recovery memo and the entire investigation. It was further submitted that the investigating officer has not properly investigated the present matter and has not preserved the complete relevant CCTV

footage from Nangloi Railway Station, which could have provided vital evidence of the actual incident, identity of the perpetrators and escape route of absconding accused. Ld. Counsel further submitted after considerable period since the incident, the IO has failed to arrest co-accused Firoj and Deepak. Ld. Counsel further submitted that the investigation in the present case is concluded and that the applicant is no longer required for custodial interrogation or for any other purpose. It was further submitted that no recovery has been affected by/or at the instance of the applicant and the recovery, if any, which has been attributed to the applicant, is planted by the concerned police officials to falsely implicate the applicant in the instant case. Ld. Counsel further submitted that there are no chances of the applicant absconding/ fleeing from justice, if released on bail. Lastly, it was submitted by the Ld. Counsel that applicant is ready to abide by the terms imposed by this Court while granting bail, including cooperating with the investigating authorities for further investigation, as and when summoned/ requisitioned. In support of his contentions, Ld. Counsel placed reliance upon the decision of Hon'ble Supreme Court in ***Satender Kumar Antil v. CBI,(2022) 10 SCC 51.***

3. *Per contra*, learned Addl. PP for the State vehemently opposed the present application on the ground that the applicant was actively involved in the commission of offence in the instant case, being grave in nature. Further, as per Ld. Addl. PP for the State, the allegations levelled against the applicant are quite serious in nature. Ld. Addl. PP for the State further submitted that the applicant does not have any permanent address in Delhi/NCR, therefore, there is a reasonable apprehension that the applicant would flee from justice. Ld.

Addl. PP for the State further submitted that the matter is at initial stages and the charges are yet to be framed and in case bail is granted, there are chances of applicant inducing, threatening and/or coercing the witnesses, besides damaging material evidence. Further, as per the Ld. Addl. PP for the State, there is a reasonable likelihood of flight risk of the applicant, making the present application liable to be rejected to the outset.

4. The arguments of Ld. Counsel for the applicant as well as that of Ld. Addl. PP for the State have been heard as well as case record(s), thoroughly perused.

5. The quandary that surrounds the determination of bail is replete with multitudinous factors, involving establishment of a balanced approach between the conflicting interests. While on one hand, such an adjudgment involves safeguarding the right to liberty of an individual, while preventing harassment, humiliation, and unjustified detention of the accused, on the other hand, it entails ensuring free, fair and full investigation. Undeniably, liberty of an individual is valuable right, however, it is trite law¹ that such a protection cannot be absolute and there may be instances where the collective interest of the community may predominate the right² of personal liberty of an individual. Ergo, it is quite understandable that while exercising the discretion to grant or refuse bail the Court will have to take into account various considerations³, such as; *“the nature and seriousness of the offence; the circumstances in which the offence was committed; the character of the evidence; the circumstances which are peculiar to the accused; a reasonable*

1 *Masroor v. State of U.P.*, (2009) 14 SCC 286

2 *Shahzad Hasan Khan v. Ishtiaq Hasan Khan*, (1987) 2 SCC 684

3 *Anil Mahajan v. Commissioner of Customs*, 2000 SCC OnLine Del 119; and *Prasanta Kumar Sarkar v. Ashis Chatterjee*, (2010) 14 SCC 496

apprehension of witnesses being influenced and evidence being tampered with; the larger interest of the public or the State; the position and status of the accused with reference to the victim and the witness; the likelihood of the accused fleeing from justice; the likelihood of the accused repeating the offence; the history of the case as well as the stage of investigation, etc...”

Further, strikingly, it is a settled law¹ that where there are sufficient reasons to have reasonable apprehension that the accused would flee from justice and/or tamper with prosecution evidence, such an accused can be refused bail. Apposite to further note that though, the courts are required to give reasons at the stage of determination of bail, however, a detailed examination of evidence and elaborate documentation of the merits of the case is not required² at such a stage. Further, court(s) cannot go into the question of credibility and reliability of the witnesses/evidence put up by the prosecution, which can only be tested during the trial³. Apposite to note in this regard that while considering an entreaty for bail, court(s) cannot be oblivious to the impact of grant thereof on the witnesses or the complainant. In fact, in this regard the superior courts⁴ have persistently cautioned that the impact of grant on bail on the witnesses, yet to be examined and/or victim is required to be duly considered by court(s), at the stage of such determination. Even otherwise, the superior courts⁵ have also avowed that the impact of an offence on the society, equally needs consideration while determining on an entreaty for bail.

1 *Anil Mahajan v. Commissioner of Customs*, 84 (2000) DLT 854

2 *Jagjeet Singh v. Ashish Mishra*, (2022) 9 SCC 321

3 *Satish Jaggi v. State of Chhattisgarh*, (2007) 11 SCC 195

4 *Sudha Singh v. State of U.P.*, (2021) 4 SCC 781

5 *Neeru Yadav v. State of U.P.*, (2016) 15 SCC 422.

6. Therefore, wary of the principles hereinunder noted, this Court outrightly observes that the primary contention of the Ld. Counsel for the applicant is that he has been wrongly roped into the present proceedings. However, in this regard it is outrightly asserted that a detailed scrutiny of the evidence or evaluation of their truth/veracity cannot be undertaken at the stage of bail, so as to prejudice either the prosecution's or the defence's case. Suffice it is for the present purpose to note that from a perusal of the documents placed on record, in particular, from the statements of the witnesses, the applicant's complicity and active role in the commission of offence *prima facie* stands established, in so far as the applicant along with other associates is stated to have robbed the victim of his mobile phone and purse, by brandishing a knife. There are allegations that the applicant press the victim's neck from behind while committing such offence, leading to causation of hurt to the victim. Needless to mention that the applicant was duly apprehended at the spot soon after the commission of the offence.

7. In so far as the contention of the Ld. Counsel regarding applicant's length of custody is concerned, this outrightly asserts that there has been no delay attributed to court in the instant case. Even otherwise, this Court deems it apposite to observe that it is trite law¹ that a delay in conclusion of trial cannot be a sole ground for bail nor can it be considered in isolation, without taking into consideration, other relevant factors. Apposite to note in this regard, besides the aforementioned *prima facie* complicity and active role of the applicant in the present incident, there is a reasonable apprehension of the applicant fleeing from justice, if released on bail, considering the

¹ *Jaibunisha v. Meharban*, (2022) 5 SCC 465; *Rajesh Ranjan Yadav v. CBI*, (2007) 1 SCC 70 and *Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2004) 7 SCC 528

severity¹ of the punishment involved, besides the proceeding in the present case is still at a nascent stage as the charges are yet to be framed against the accused persons. Further, public persons are proposed to be adduced as prosecution witnesses. Accordingly, when the said factors are considered in conjunction, this Court finds itself difficult to be convinced that any indulgence or relief can be granted in favour of the applicant at this stage.

8. Consequently, in conspectus of the above and further keeping in view the nature and gravity of the allegations leveled against the applicant; offence under Section 309(6) BNS being punishable up to life; role and complicity of the applicant as well as the *prima facie* incriminating evidence brought on record against him; manner of commission of offence; reasonable apprehension regarding the applicant's fleeing from justice, considering the seriousness of offence; the proceedings in the instant case are still at a nascent stage as the charges are yet to be framed and public persons are proposed to be adduced as prosecution witnesses; as well as further considering the impact of the offence on the society, this Court does not deem it fit to grant bail to the applicant at this stage.

9. Accordingly, the present application under Section 439 Cr.P.C. for regular bail *qua* the applicant Khurshid is ***dismissed***.

10. It is clarified herein that the observations made in the present order are only limited for the purpose of deciding the present application of the applicant herein and would have no bearing on the factual matrix of the present case.

¹ *Kuldeep v. State (NCT of Delhi)*, 2021 SCC OnLine Del 4218 and *Rahul Kumar v. State (UT of J&K)*, 2023 SCC OnLine J&K 323
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11. A copy of the present order be given *dasti* to the Ld. Counsel for the applicant, namely, Khurshid. Further, a **copy of this order be sent to the concerned Jail Superintendent with the direction to hand over** a copy of order to the applicant.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
08.07.2026