

Bail Application No. 992/2026
State Vs. Wasim
FIR No. 156/2026
PS: Chandni Mahal

02.07.2026

This is the fourth application under Sec. 483 BNSS filed on behalf of applicant/accused namely Chandni Mahal for grant of regular bail.

Present : Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Sh. Suraj Prakash, Ld. Counsel for applicant/
accused.
Complainant in person.
Sh. Sanjay Kumar, Ld. Counsel for complainant.
IO/SI Parmender in person.

Ld. Counsel for accused/applicant submits that no bail application is pending before the Hon'ble High Court of Delhi and Hon'ble Supreme Court of India.

Reply to the bail application has already been filed by IO.

Ld. Counsel for accused/applicant submits that accused/applicant is in JC since 25.02.2026. He further submits that accused/applicant has been falsely implicated in the present case. He further submits that accused/applicant is husband of Somaiya while Mohd. Arif who is injured in the present case is brother-in-law of accused/applicant. He further submits that the present case is a result of family dispute only. He further submits that accused/applicant was not carrying a knife and Mohd. Arif has been stabbed by co-accused persons only and hence offence punishable under Sec. 109 BNS is not attracted against him. He

further submits that the complainant had abused the accused/applicant. He further submits that the sisters of injured have specifically stated in their statements recorded under Sec. 180 BNSS that accused/applicant had not stabbed Mohd. Arif. He further submits that investigation in the present case has already been completed and the charge-sheet has also been filed. With respect to the change of circumstances, Ld. Counsel for accused/applicant submits that the second bail application of accused/applicant was dismissed before the filing of charge-sheet and the third bail application was dismissed as withdrawn and the present bail application has been filed after the filing of charge-sheet and same should be considered as change in circumstances for the purpose of present bail application. He further submits that no fruitful purpose will be served by keeping the accused/applicant in JC and hence he should be granted bail.

Per contra, Ld. Addl. PP for the State assisted by Ld. Counsel for complainant submits that at the time of incident wife of accused/applicant namely Somaiya was residing with her parents due to matrimonial dispute and when she went to hospital for medical check up pertaining to her pregnancy, accused/applicant and his family members reached there and harassed Somaiya and also gave beatings to her. He further submits that though the accused/applicant has not stabbed Mohd. Arif but he had shared common intentions with co-accused persons who stabbed Mohd. Arif and Sec. 3(5) BNS along with Sec. 109(1) BNS has been added against all the accused persons. He further submits that from the CCTV footage, it is clear that

accused/applicant caught hold of Mohd. Arif and co-accused persons stabbed him. He further submits that filing of charge-sheet is not a change of circumstances for the purpose of present bail application. He submits that the complainant and the injured are yet to be examined as PWs and hence present bail application should be dismissed.

I have heard the submissions and perused the record.

The alleged offence committed by the accused/applicant is heinous in nature and is punishable upto life imprisonment. In the CCTV footage played in the court, accused/applicant can be seen scuffling with injured Mohd. Arif and catching hold of him through his neck and in these circumstances, stabbing by the co-accused persons is to be attributed to the accused/applicant also as the accused/applicant and co-accused persons were acting in furtherance of their common intention. Moreover, the charge-sheet in the present case has been filed under Sec. 109 (1)/118(1) & 3(5) BNS against the accused/applicant also and in these circumstances, it cannot be said that Sec. 109 BNS is not attracted against the accused/applicant.

The changes in circumstances for the purpose of bail application are to be seen in the light of law laid down by Hon'ble Apex Court in this regard.

Hon'ble Supreme Court of India in case titled as **State of Maharashtra Vs. Captain Buddhikota Subha Rao** cited as **AIR 1989 SC 2292** has held that *the successive bail applications can be entertained by the Court when the substantial case is*

established by the accused, which would entitle him for getting bail in successive bail application. The Court should not pass the order of releasing him on bail in successive bail application merely establishing some cosmetic change during the period between two applications would entitle the accused for bail.

Similarly in **Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav & Anr. (2005) 2 SCC 42** Hon'ble Supreme Court of India has observed as under:-

“This Court also observed that though the accused has a right to make a successive application for grant of bail, the Court entertaining such subsequent applications has duty to consider the reasons and grounds on which the earlier bail applications were rejected and in such cases the Court also has a duty to record what are the fresh grounds which persuaded it to take a view different from one taken in earlier application”.

In **Kalyan Chandra Sarkar (Supra)**, it was also held that successive bail applications cannot be entertained only on the ground that accused is in custody for a long period.

Hon'ble Apex Court in ‘**Virupakashappa Gouda and Ors. Vs. The State of Karnataka and Ors., MANU/SC/0344/2017**’ observed that *“filing of the charge sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of charge sheet establishes that after due investigation the investigating agency, having found material, has placed the charge sheet for the trial of the accused persons.”*

Thus, the filing of charge-sheet cannot be considered as change in circumstance and it is not a ground of grant of bail.

The second bail application of accused/applicant was dismissed by Ld. ASJ-02, Central, Tis Hazari Courts, Delhi vide order dated 20.03.2026 while the third bail application was dismissed as withdrawn on 19.05.2026 after which only charge-sheet has been filed in the present case.

Applying the law laid down by the Apex Court in **Captain Buddhikota Subha Rao (Supra), Rajesh Ranjan @ Pappu Yadav (Supra) & Virupakashappa Gouda and Ors. (supra)** this Court is of considered opinion that filing of charge-sheet cannot be considered as change in circumstances for the purpose of present bail application and accused/applicant has failed to show that there are substantial change in circumstances after the dismissal of his earlier bail applications to consider the present bail application.

The charges in the present case are yet to be framed and the complainant, injured and other eyewitnesses who may be influenced or won over by the accused/applicant are yet to be examined as PWs. Granting bail to the accused/applicant before the examination of abovesaid witnesses may defeat the purpose of law.

Keeping in view the gravity of the offence, nature of injury, the stage of inquiry/trial and no change in circumstances, this Court does not find merit in the present bail application.

Accordingly the present bail application filed under Sec. 483 BNSS for grant of regular bail to the accused/applicant is hereby dismissed.

The observations made herein shall not have any effect on the merit of case.

The bail application stands disposed off accordingly.

Copy of this order be given Dasti to all concerned.

(Virender Kumar Kharta)
ASJ/FTC-02(CENTRAL)
TIS HAZARI COURTS:DELHI :02.07.2026