

SC : 727/2026
FIR No. : 134/2026
PS: Lahori Gate
State Vs. Naved Khan @ Lambu

CNR No. : DLCT01-011507-2026

20.08.2026

Present: Sh. Himanshu Garg, Ld. Addl. PP for the State.
Accused produced from custody.
Sh. Tapan Mittal, Ld. Counsel for the accused.

**ORDER ON CHARGE AND BAIL APPLICATION OF
ACCUSED NAVED KHAN SON OF PARVEZ BEARING I.A.
NO. 01/26.**

1. By this common order I shall decide whether charge is liable to be framed against the accused or not and his application i.e. I.A. No. 01/26 seeking regular bail.
2. Ld. counsel for the accused submits that as per the case of the prosecution Naved had not used the Danda as the same was in the hands of CCL and in any case simplicitor danda cannot be regarded as deadly weapon within the meaning of 311BNS (old 397 IPC) and hence no charge is liable to be framed u/s 311 BNS. In so far as bail is concerned, it is submitted that accused is in judicial custody since 11.03.2026. The recovery if any stands effected and the accused is no more required to be kept in judicial custody as charge sheet has already been filed and no judicial TIP was got conducted.
3. On the other hand, Ld. Addl. PP for the State submits that one of the CCL had used the danda and therefore, the

charge u/s 311 BNS is liable to be framed. In so far as bail application is concerned, it is submitted that the complainant is yet to be examined, therefore, no ground is made out to admit the applicant to bail.

4. I have heard Ld. Counsels for the parties and perused the record.
5. Brief facts of the case are that a complaint was made by Abhishek Krishna that he is working with SBI Credit Recovery Department and he reached near Naya Bazar three boys came out of which one caught hold of him and when he tried to get himself released from his clutches the other boy who were carrying a danda stated that in case he makes a noise he would kill him. On account of the threat extended the complainant remained silent and two boys took out mobile phone and purse from his pocket and ran away. On the basis of his complaint the present FIR was registered u/s 309(4) BNS. During the course of investigation CCTV footage of the area was checked and on the basis of secret informer the persons who had carried out the robbery were identified as Naved Khan @ Lambu, 'D', D @ R and A @ S (the name of the other accused are withheld as they were CCLs). The robbed mobile phone was recovered from the accused Naved. After completion of investigation charge sheet was filed against the accused Naved Khan for offence punishable under Section 309 (4)/317 (2)/3(5) BNS. The Ld. JMFC committed the case on the ground that since danda was used offence u/s 311 BNS would be attracted.

6. In this back drop, the first and foremost question which is to be considered is whether mere use of danda would attract the provision of Section 311 BNS which is para materia same as Section 397 IPC, in the absence of any grievous hurt inflicted upon the victim. At the outset the complainant has not specifically given the description of the danda. Admittedly no grievous hurt was caused moreover, as per the case of the prosecution the danda was being carried by the CCL and not by the present applicant. Under these circumstances, the offence u/s 311 BNS is not attracted. Reference in this regard can be made to the judgment of *Dhanai Mahto & Anr. Vs. State of Bihar (2001) 10 SCC 657*. All the other offences are triable by the court of Ld. JMFC.
7. Hence, let the file be placed before the Ld. Principal District & Sessions Judge (HQ) for 25.08.2026 for sending it to the appropriate court.
8. In so far as bail application is concerned, the accused is in judicial custody since 11.03.2026. Charge sheet has been filed. The recovery already stands effected and the accused is not required to be kept in judicial custody.
9. Considering the overall facts and circumstances, the applicant is admitted to bail on furnishing P/B and S/B of Rs. 15,000/-with one surety of the like amount to the satisfaction of the Jurisdictional Magistrate/court concerned/Ld. Link JMFC/Ld. Duty JMFC and also subject to the following conditions:
 - a) *The applicant/accused shall under no circumstances leave the country;*
 - b) *The applicant/accused shall inform the Court in the*

- event of change of his address, within two weeks.*
- c) *The applicant/accused shall not commit any offence in the event of there being any FIR/DD Entry/ Complaint lodged against the applicant, it would be open to the State to seek cancellation of the application which application, if any, filed would be considered on its own merits.*

Application bearing I.A. no. 01/26 stands disposed off.

Copy of the order be given dasti.

(ANKUR JAIN-I)
ASJ-04/Central/Delhi.
20.08.2026 km