

**State Vs. Saad Mirza @ Fardin**  
CNR No.: DLCT01-013471-2023  
SC No.: 525/2023  
FIR No.: 579/2023  
PS: Kotwali

20.05.2026

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.  
Mr. Dilshad Ali, Mr. Nazim Ali, Ms. Rikaiya and  
Mr. Neeraj Sharma, Ld. Counsel for the accused,  
namely, Saad Mirza @ Fardin.

### **ORDER**

1. The present bail application has been moved on behalf of applicant, namely, Saad Mirza @ Fardin (*hereinafter referred to as the ‘applicant/accused’*), in terms of provisions under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as ‘BNSS’*), seeking regular bail. Pertinently, the last bail application of the applicant was dismissed by this Court *vide* order dated 25.02.2026.

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 submitted that the applicant has been languishing in judicial custody ever since 18.07.2023, without there being any chances of trial getting concluded, anytime in near future. Ld. Counsel further submitted that the case is at the stage of prosecution evidence and all the material witnesses have been examined, no useful purpose would be served in keeping the applicant in continued detention. As per Ld. Counsel, PW-7 Abdul Rehan and PW-4 Ashok Vohra have

materially improved their version before this Court, belying the story against the applicant. Correspondingly, as per the Ld. Counsel there has been significant improvement in the alleged amount, which PW-1 is stated to be carrying on the date of alleged incident besides PW-7 and PW-4 have significantly changed their stand in the present case. Even otherwise, as per the Ld. Counsel the applicant was released on interim bail on the ground of his examination and he has timely surrendered before the concerned jail after the expiry of the said interim bail. It was further submitted that since material public witnesses in the instant case have already been examined, no useful purpose would be served in keeping the applicant in continued detention, considering that the trial is likely to take considerable time. Further, as per the Ld. Counsel, there are no chances of applicant tampering with the prosecution case or fleeing from justice, besides the applicant has clean antecedents. Ld. Counsel for the applicant further submitted that the other co-accused, namely, Wahaj Mirza has already been granted bail by the Hon'ble High Court of Delhi *vide* order dated 20.01.2026, and the applicant is also entitled for bail on the ground of parity of the said co-accused. Lastly, it was submitted by the Ld. Counsel that the applicant is ready to abide all the terms and conditions imposed by this Court while granting bail, including co-operating the investigating authorities, and making himself available for investigation/further investigation, as and when called for.

3. *Per contra* Ld. 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. Further, Ld. Addl. PP for the State submitted that in case bail is granted, there are chances of applicant inducing, threatening and/or coercing the witnesses, besides damaging material evidence. Ld. Addl. PP for the State further submitted that there is a reasonable likelihood of flight risk of the applicant, making the present application liable to be rejected to the outset. Further, as per the Ld. Addl. PP for the State, there is a reasonable likelihood of flight risk of the applicant, besides there has been no change in circumstances since dismissal of applicant's last bail application.

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

5. At the outset, this court deems it appropriate to iterate some of hallowed principles governing bail jurisprudence, which have been persistently affirmed by various courts. In fact, one of the common threads that binds and governs the determination on a prayer for bail is that '*bail is a rule and jail is an exception*' and that<sup>1</sup> bail cannot be withheld as a (mode of) punishment, object of bail being to secure the appearance of the accused person at his trial by reasonable amount, and the same being neither punitive nor preventative in nature.

6. Therefore, mindful of the aforementioned principles, this Court deems it appropriate to consider the arguments raised on behalf of the applicant as well as State in the instant case. Relevantly, one of the primary contentions of the Ld. Addl. PP for the State, while objecting to the applicant's prayer for bail is that the crime with which the applicant has been charged with is

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<sup>1</sup> *Sanjay Chandra v. CBI, (2012) 1 SCC 40 and K. Rajapandian v. State (NCT of Delhi), 2022 SCC OnLine Del 1315*

grave in nature. However, in this regard, this Court outrightly and unequivocally observes that it is trite law<sup>1</sup> that gravity or seriousness of offence cannot be treated as the only consideration for refusing bail. On the contrary, in the instant case, admittedly, the applicant has been in custody since 18.07.2023 and in the meanwhile, all the public witnesses have been examined, and the evidence of only formal witnesses is pending; co-accused, namely, Wahaj Mirza has already been admitted to bail by Hon'ble High Court of Delhi *vide* order dated 20.01.2026 besides accused Saad S/o Raja is also on bail *vide* order dated 20.09.2024; the applicant is stated to be around 22 years of age and the trial is likely to take some time in its conclusion. Accordingly, under such factual scenario, this Court is of the opinion that the balance clearly tilts in favour of the applicant at this stage. Concomitantly, the apprehension of the Ld. Addl. PP for the State pertaining to the applicant's flight risk and/or tampering with prosecution's case can be taken care of<sup>2</sup> by imposing elaborative and stringent conditions. Needless to mention that the contentions of the Ld. Addl. PP for the State pertaining to the applicant's/accused's involvement in multiple cases as a ground for opposition of his bail application is concerned, this Court unambiguously observes that it is the settled law<sup>3</sup> that mere pendency of proceedings cannot be the sole ground to reject the bail.

7. Consequently, in conspectus of the above and further keeping in view the incarceration of the applicant in the present case since 18.07.2023 and in the meanwhile, all the

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1 *Sunder Singh Bhati v. State*, 2022 SCC OnLine Del 134

2 *Abhishek Kumar Singh v. State of H.P.*, 2020 SCC OnLine HP 3296

3 *Prabhakar Tewari v. State of U.P.*, (2020) 11 SCC 648; and *Mumtaz v. State (NCT of Delhi)*, 2022 SCC OnLine Del 4617.

public witnesses have been examined, and the evidence of only formal witnesses is pending; co-accused, namely, Wahaj Mirza has already been admitted to bail by Hon'ble High Court of Delhi *vide* order dated 20.01.2026 besides accused Saad S/o Raja is also on bail *vide* order dated 20.09.2024; the applicant is stated to be around 22 years of age and the trial is likely to take some time in its conclusion, this Court deems it fit to grant bail to the applicant.

8. Accordingly, in light of the aforementioned facts and circumstances, the present application under Section 483 BNSS for regular bail *qua* the applicant, namely, **Saad Mirza @ Fardin is *allowed***, and the said applicant is admitted to bail, upon furnishing of **personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand only)**, with **two sureties of like amount each**, subject to the satisfaction of this Court and further subject to the following additional conditions that;

- (i) *the applicant/accused shall not commit offence similar to the offence of which the applicant/accused has/is suspected to have committed;*
- (ii) *the applicant/accused shall attend the court on all the dates fixed during the trial;*
- (iii) *the applicant/accused shall ordinarily reside in his place of residence and immediately inform change of address, if any, to the Investigating Officer;*
- (iv) *the applicant/accused shall furnish to the Investigating Officer a cell phone number on which the applicant/accused may be contacted at any reasonable time and shall ensure that the number is kept active;*
- (v) *the applicant/accused shall cooperate in any further investigation, as and when required and shall appear before the investigating agency/Court as and when called for, as per law;*
- (vi) *the applicant/accused shall not, directly or indirectly, contact or visit or offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of the case; and*

(vii) *the applicant/accused shall not tamper with evidence, nor try to prejudice the proceedings in the matter in any manner.*

9. 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 and would have no bearing on the factual matrix of the present case, which is a separate issue to be determined as per law.

10. In view of the above, the present application of the applicant, namely, **Saad Mirza @ Fardin** is *disposed of as allowed*.

11. A **copy of the present order be given *dasti*** to the Ld. Counsel for the applicant, namely, **Saad Mirza @ Fardin** as well as the IO. 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  
20.05.2026