

**IN THE COURT OF DR.YADVENDER SINGH
ASJ-05, WEST, DELHI**

**Bail Application No. 166/2026
FIR No. 529/2025
PS Rajouri Garden
U/s 115/126(2)/110/3(5) BNS
State Vs. Sahib Singh**

06.02.2026

The Undersigned is performing bail duty in pursuance to order No. 1632/35282-35305/Bail Power/Gaz./PDJ West/2025 dated 06.12.2025, partially modified by the Ld. Principal District & Sessions Judge (West), THC, Delhi.

This is an application u/s 482 of BNSS for grant of anticipatory bail, moved on behalf of applicant/accused Sahib, pending adjudication.

Present: Sh. Ankit Aggarwal, Ld. Substitute Addl. P.P. for the State.
Sh. Aditya and Ms. Yashaswi, Ld. Counsels for the applicant/accused.
Deputed IO/SI Vikas in person.

On inquiry, Ld. Counsel for the applicant/ accused states at Bar that there is no other bail application of the present applicant/accused pending before the Hon'ble High Court of Delhi or the Hon'ble Supreme Court of India.

Arguments heard. Put up for orders at **04:00 PM.**

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At 04:00 PM :

Matter is taken up again for Orders.

Present : Sh. Ankit Aggarwal, Ld. Substitute Addl. PP for the State.

1. The Court has perused the record carefully.
2. It is argued by the Id. Counsel for the applicant/accused that accused is innocent and has been falsely implicated in the present case. The applicant/accused is working as a mobile repair mechanic at Gafar market. The prosecution witness was fit for statement at 05:00 PM on 02.10.2025, but the IO did not record his statement on that day and thereafter, recorded his statement after a gap of one day on 03.10.2025. It is further submitted that no recovery was affected from the main accused qua whom charge sheet has already been filed. He has clean antecedents and if granted anticipatory bail, he is ready and willing to abide by all the terms & conditions imposed by this Court.
3. Grant of anticipatory bail is opposed by the Id. Addl. P.P. for the State duly assisted by the deputed IO on the ground that the accused is involved in grave and serious offence and if the applicant/accused is granted anticipatory bail, there are chances that he may influence the prosecution witnesses or evade the process of law.
4. As per reply of the IO, the charge sheet has already

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been filed and from the video provided by the complainant, it is apparent that the applicant was actively involved in the quarrel and is clearly seen assaulting the injured harpreet Singh, as well as one of the witnesses, Dinkar Mehra, who attempted to rescue the injured Harpreet singh from the accused persons. It is further mentioned that notices u/s 35(3-6) BNSS were pasted at the address of the applicant on various dates i.e. 03.11.2025, 14.11.2025, 16.11.2025, 03.12.2025, 18.01.2026 and 20.01.2026, however, despite the same, the applicant has failed to join the investigation till date. Further, on 20.11.2025, a house search was conducted, but the third floor of the applicant's premises was found locked. The anticipatory bail applications of other co-accused persons namely Rijak Singh @ Bholu and Amrik @ Ashu have been dismissed by the Hon'ble Court vide orders dated 08.01.2026 and 30.10.2025 respectively.

5. The Hon'ble Delhi High Court in ***Ashwani Kumar Vs. State reported in 2023 IAD (Delhi) 338***, has observed as under :

“20. Arrest is a part of procedure of the investigation to secure not only the presence of the accused but also to serve other purposes. The grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail.

21. Anticipatory bail is not to be granted as a matter of

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routine and it has to be granted only when the court is convinced that circumstances exist to resort to that extraordinary remedy. Custodial interrogation is a recognized mode of investigation which is not only permitted but is held to be more effective.

22. Protection would also be detrimental for the purposes of carrying out the investigation of the instant case without a free hand to the Investigating officer on certain crucial aspects of the case, including:

a) Ascertaining the role of other key persons involved in the commission of the offence herein, and to determine the modus operandi adopted by the said Accused persons.

b) Ascertaining all known/unknown entities/accounts which have been used in the commission of offences including the parking of the proceeds of crime.

c) Ascertaining the end use of such funds involved in the instant case.

d) Confronting him with the voluminous incriminating material for bringing the investigation to a logical conclusion.

23. Interrogation of an accused, while in custody, is qualitatively different from that undertaken while the accused is enjoying protection under an order of a Court against his arrest. This is a well recognized position in law. It is the right of the investigating agency to conduct a proper and fair investigation. Hon'ble Apex court in the case of CBI vs Anil Sharma [1997 7 SCC 187] held

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that investigating a person appearing before the Investigating Officer under the protection of the Court order under 438 of the Cr.PC is qualitatively different from the custodial interrogation which would lead to better collection of evidence, thereby ensuring a proper investigation. Custodial interrogation is more elicitation - oriented than questioning an individual/suspect ensconced with a protection of Court Order.”

6. Hon'ble Supreme Court in ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr., Special Leave to Appeal (Crl.) No.7188/2022, dated 21.10.2022***, has observed as under: .

"In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail."

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7. Keeping in view all the facts & circumstances of this case, the nature & gravity of offence alleged; the accused has never joined the investigation since beginning despite issuance of several notices u/s 35(3-6) of BNSS and wilfully awaited for filing of the charge sheet while remained at large, allegations levelled against the applicant by the prosecution, this Court is not inclined to grant anticipatory bail to the applicant/accused **Sahib Singh** and hence, the application of the applicant/accused for grant of anticipatory bail is hereby dismissed.

8. However, nothing expressed herein shall tantamount to have any expression of opinion upon the merits of the case.

9. Copy of this order be given dasti to Ld. Counsel for the applicant/accused and IO, as prayed for.

10. The present application is accordingly disposed of.

(Dr. Yadvender Singh)
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