

**IA 17/26 SC 06/22**  
**FIR 172/2021**  
**PS Special Cell**  
**State Vs. RIZWAN AHMED AND ORS**

**14.01.2026**

Present: Sh. Akhand Partap Singh, Ld. SPP for the State  
(through VC).  
Sh. R. Sahil, Ld. counsel for applicant/accused  
Gurpreet Singh.

This is an application u/s 484 (2) seeking reduction of number of sureties from 2 to 1 and also seeking modification in the bail order dated 18.11.2025, wherein this Court has imposed the condition of furnishing local sureties.

Arguments heard.

Put up for orders at 04.00 pm.

**(Atul Ahlawat)**  
**ASJ/Spl. Judge, NDPS/N Delhi**  
**14.01.2026**

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**04:00 PM.**

Present: Sh. Akhand Partap Singh, Ld. SPP for the State  
(through VC).  
Sh. R. Sahil, Ld. counsel for applicant/accused  
Gurpreet Singh.

Vide my separate order of even date, the present application is allowed and disposed off accordingly.

Copy of the order be given *dasti* as well as be sent to jail superintendent for supplying the same to accused in jail.

**(Atul Ahlawat)**  
**ASJ/Spl. Judge, NDPS/N Delhi**  
**14.01.2026**

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**ORDER**

1. Vide the present order, I shall dispose of the application filed by the applicant/accused u/s 484(2) of BNSS, 2023 seeking reduction of number of sureties filed on behalf of the applicant/accused Gurpreet Singh.

2. It is submitted by the Ld. Counsel for the applicant/accused that no other bail application/application seeking reduction of surety bonds filed by the applicant/accused is pending before the Hon'ble Supreme Court of India or the Hon'ble High Court of Delhi.

3. It is submitted by the Ld. Counsel for the applicant/accused that the applicant/accused was granted interim bail for a period of 3 months from the date of his release by this Court vide order dated 18.11.2025. As per the conditions imposed in the said order, the applicant/accused was admitted to interim bail subject to furnishing bail bond in the sum of Rs. 1,00,000/- with two local sureties of the like amount.

4. It is submitted by the Ld. Counsel for the applicant/accused that the application / accused belongs to a poor strata of the society. He was granted interim bail on the

humanitarian ground of ill health and in spite of being granted interim bail on 18.11.2025, he is still languishing in jail as he has been unable to procure the surety to furnish the surety amount.

5. It is submitted by the Ld. SPP for State that if he is released on reduced surety, he may abscond and flee from justice and he may also commit similar offences in the future.

6. It is trite law that the trial court has to balance and correlate the imperative of setting prisoners at liberty pursuant to the bail order and securing their fundamental rights with the demand of producing adequate sureties as an assurance of their regular attendance at the trial and as a deterrence against the possibility of them fleeing from the justice. It is equally important that the trial court should also factor the socio-economic background of the prisoner while fixing the number and amount of sureties. At times, persons belonging to extremely poor background, simply do not have the requisite social standing or financial clout to arrange multiple sureties, therefore, at times, the UTPs belonging to poor economic strata or socially marginalized segments of the society may not be set at liberty despite being enlarged on bail. The purpose of sureties is certainly dissuasive in intent, however, setting higher surety amounts and number of sureties may at time have punitive impact instead. The Hon'ble Supreme Court of India had dealt with the issue of constitutional promise of equality for all citizens and a realistic understanding of the socio-economic landscape of the country underlying the concept and

rationale of the scope of sureties in the cases of bail in “**Moti Ram and Ors. Vs. State of Madhya Pradesh**” (1978) 4 SCC 47. Furthermore, in the landmark decision of “**Hussainara Khatoon Vs. State of Bihar**” AIR 1979 SC 1360 had mandated the consideration of the roots of an accused in the community so as to advocate a moot fact based approach in tune with the social realities to serve justice as follows:

*“To determine whether the accused has his roots in the community which would deter him from fleeing, the court should take into account the following factors concerning the accused,*

- 1. The length of his residence in the community.*
- 2. His/her employment status, history and his financial condition,*
- 3. His family ties and relationship*
- 4. His reputation, character and monetary condition,*
- 5. His prior criminal record including any record of prior release on recognizance or on bail,*
- 6. The identity of responsible members of the community who would vouch for his reliability,*
- 7. The nature of the offence charged and the apparent probability of conviction and the likely sentence in so far as these factors are relevant to the risk of non appearance, and*

8. *Any other factors in relating the ties of the accused with the society.”*

7. In the background of the above stated case laws, the fact that present applicant/accused has remained in custody even after expiry of period of almost 2 months after granting him interim bail, especially when it has been averred on behalf of the applicant/accused that the present applicant/accused does not have the financial wherewithal to arrange two sureties for a sum of Rs. 1,00,000/- and his family members are not able to arrange the surety and that they had attempted several times to take the loan, however, he was not able to get the same, this court is of the view that it is a fit case to exercise its powers u/s 484 (2) of BNSS, 2023 and if the present application is not allowed then the purpose of interim bail would be frustrated, therefore, **the number of sureties are hereby reduced from 2 to 1 and the condition for furnishing local sureties is hereby waived of and the applicant/accused shall be released on interim bail upon furnishing the bail bond in the sum of Rs. 1,00,000/-, alongwith one surety of like amount.** All the other conditions imposed by this Court vide the order dated 18.11.2025 shall remain in force.

8. With these conditions, the present application moved under section u/s 484 (2) of BNSS, 2023 on behalf of **applicant/accused Gurpreet Singh** stands disposed off. The other conditions imposed by this Court from (ii) to (v) of order

dated 18.11.2025 shall remain in force.

9. It is needless to say that nothing stated herein shall tantamount to an opinion or expression on the merits of the case.

10. Copy of this order be sent to concerned Jail Superintendent.

11. Copy of this order be given dasti to the parties.

12. Application stands disposed off accordingly.

**(ATUL AHLAWAT)**  
**ASJ NDPS Act**  
**(Special Judge)/PHC**  
**NDD/14.01.2026**