

Bail Matters: 217/2026
The State Vs. Vishal Yadav
FIR No. 392/2025
PS: Karawal Nagar
U/s: 109(1)/3(5) BNS &
Sec. 25/27 of Arms Act
20.03.2026

**ORDER ON APPLICATION FOR REGULAR BAIL FILED
ON BEHALF OF THE APPLICANT/ACCUSED VISHAL
YADAV**

1. This order of mine shall dispose of an application for grant of regular bail filed on behalf of the applicant/accused Vishal Yadav.
2. I have already heard the counsel for the applicant /accused, Ld. Counsel for the complainant and Ld. Addl. Public Prosecutor for State.
3. Ld. Counsel for the applicant/accused Vishal Yadav has submitted that applicant/accused was arrested in the present case on 31.12.2025 and since, then he is in judicial custody. The present applicant/accused is an innocent person and he has been falsely implicated in the present case, he has not committed any offence at all and he has nothing to do with the alleged offence. Ld. Counsel has also submitted that as per the case of the prosecution, no specific role of firing has been assigned to the applicant/accused in the present FIR. Even, no weapon of offence has been recovered from the possession of the applicant/accused, or at his instance
4. Ld. Counsel for the applicant/accused has further submitted that the case of the prosecution against the applicant/accused rests upon the alleged disclosure statements, which have no evidentiary value in the absence of any recovery. The applicant/accused is a young aged person and he is presently

pursuing LLB from CCS University and having liabilities of his wife, one minor child and old aged father, who is bed ridden due to an accident. Ld. Counsel has also submitted that presently, wife of the applicant/accused is pregnant and she is in her 7th month of pregnancy and she requires blood group B-Negative, which is rare blood group and she also requires a mandatory Anti D injection, failing which, there may be serious medical complications for the unborn child.

5. Ld. Counsel for the applicant/accused further submitted that the applicant/accused is having clean antecedents and no fruitful purpose would be served by keeping the present applicant/accused behind bars any longer and he undertakes to abide by all the terms and conditions, as imposed upon him by the Court and also undertakes not to hamper with the witnesses of the prosecution, if the applicant/accused is released on bail and prayed for grant of bail.

6. On the other hand, Ld. Addl. PP for the State has opposed the present application and submitted that in the case in hand, the present applicant/accused had committed the offences U/s. 109(1)/3(5) BNS & Sec. 25/27 of Arms Act alongwith the co-accused persons. Earlier, vide order dated 13.02.2026, the application for regular bail was dismissed by the Hon'ble Court, wherein, all the contentions of Ld. Counsel were discussed. There is possibility of hampering with the witness and tampering with the evidence, if the applicant/accused is released on bail at this stage, so, the present applicant/accused does not deserve the concession of bail and prayed for dismissal of present application under consideration.

7. Ld. Counsel for the complainant has also opposed

the present application and submitted that the present applicant/accused alongwith the co-accused persons has committed the serious offence and caused a gun shot injury upon the injured person and also submitted that the present applicant/accused is having direct and active role in the commission of the offence and prayed that the present applicant/accused may not be granted bail in the present case.

8. In his reply, the IO has submitted that in the present case, co-accused Navneet Yadav, who is real brother of the present applicant/accused is absconding. Therefore, there is possibility of fleeing away from justice by the present applicant/accused and possibility of hampering with the witnesses and tampering with the evidence also cannot be ruled out, if the present applicant/accused is released on bail at this stage.

9. I have given thoughtful consideration to the submissions made by Ld. Counsel for this applicant/accused, Ld. Counsel for the complainant, Ld. Additional Public Prosecutor for State and perused the record.

10. Bare perusal of the record reveals that the present applicant/accused is alleged to have committed the offences punishable U/s. 109(1)/3(5) BNS & Sec. 25/27 of Arms Act alongwith the co-accused persons. In the present case, the investigation is still going on, as, one co-accused person is absconding and weapon of offence i.e. firearm is yet to be recovered and chargesheet, in the present case, is yet to be filed.

11. It is now well settled that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the

judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail. In **Siddharam Satlingappa Mhetre v. State of Maharashtra**, AIR 2011 SUPREME COURT 312, being relied upon by Ld. Counsel for the applicant/accused, the Hon'ble Supreme Court has insisted upon striking a perfect balance of sanctity of an individual's liberty as well as the interest of the society, in grant or refusing bail. The relevant extract of the judgment (supra) is reproduced hereinafter:-

“3. The society has a vital interest in grant or refusal of bail because every/criminal offence is the offence against the State. The order granting or refusing bail must reflect perfect balance between the conflicting interests, namely sanctity of individual liberty and the interest of the society. The law of bails dovetails two conflicting interests namely, on the one hand, the requirements of shielding the society from the hazards of those committing crimes and potentiality of repeating the same crime while on bail and on the other hand absolute adherence of the fundamental principle of criminal jurisprudence regarding presumption of innocence of an accused until he is found guilty and the sanctity of individual liberty.”

12. In **Kalyan Chandra Sarkar v. Rajesh Ranjan**, (2004) 7 SCC 528, wherein, the Hon'ble Supreme Court held that:

"11. The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the Court granting bail to consider among other

circumstances, the following factors also before granting bail; they are: (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence. (b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. (c) Prima facie satisfaction of the Court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh..."

(Emphasis supplied)

13. Admittedly, vide order dated 13.02.2026, the application for regular bail was dismissed by this Court, wherein, all the contentions of Ld. Counsel were discussed and since then, there is no change in circumstances. There is enough evidence on record, which prima facie shows involvement of the present applicant/accused in commission of the alleged offence.

14. The Hon'ble Supreme Court in the case of **Prasad Shrikan Purohit v. State of Maharashtra, (2018) 11 SCC 458**, held that:

"30. Before concluding, we must note that though an accused has a right to make successive applications for grant of bail, the court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the court also has a duty to record the fresh grounds which persuade it to take a view different from the one taken in the earlier applications."

15. So, taking into consideration the nature of accusation, gravity of offence alleged to have been committed by this applicant/accused and the fact that the first bail application of the present applicant/accused was dismissed by this court on 13.02.2026 and since then, there is no change in circumstances, therefore, no ground is made out to grant regular bail to the applicant/accused.

16. However, considering the medical condition of the wife of the applicant/accused and the fact that wife of the applicant/accused is pregnant and she is in her 8th month of pregnancy and the medical documents filed alongwith the present application have been verified and the concerned doctor has also opined that presence of the applicant/accused is required for certain medical tests, therefore, on humanitarian ground, **this applicant/accused Vishal Yadav is granted interim bail for a period of 15 days from the date of his release, on furnishing personal bond in the sum of Rs.25,000/- with one surety of the like amount,** to the satisfaction of concerned JMFC/Duty JMFC/Link JMFC and also subject to the following terms and conditions:

- (1). The applicant/accused shall remain available on the mobile numbers, shared by him with the Investigating Officer, which shall be kept operational at all the time.
- (2). The applicant/accused shall not indulge in any act which may prejudice either the trial or influence the prosecution witnesses.
- (3). The applicant/accused shall duly surrender before the concerned Superintendent Jail on the expiry of the interim bail.

17. Accordingly, the present application filed on behalf of the applicant/accused Vishal Yadav stands **disposed of**. Copy of this order be given dasti.

18. Attested copy of this order be sent to the Superintendent of Central Jail concerned for supplying the same to this applicant/accused.

(PUNEET PAHWA)
**Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/20.03.2026**