

5 BAIL MATTERS 469/2026
THE STATE Vs. JAFAR
FIR No. 156/2026
(Seelam Pur)

30.05.2026

Present: Dr. Satish Shukla, Ld. Substitute Addl. PP for the State.
Sh. Manoj Chouhan and Sh. Saksham, Ld. Counsel for
applicant/accused.
IO SI Harsh Sharma is present.

This is an application filed on behalf of applicant/accused Jafar u/s 483 BNSS, 2023 seeking grant of interim bail for a period of 15 days stating that father of the applicant/accused has expired on 20.04.2026 and some ceremonies related to his death (chaliswa) is yet to be performed, wherein, the participation of the applicant/accused being the elder son of the family is also required.

It is stated that since, after the death of his father, his mother is also observing Iddat period, the presence of the applicant/accused is also required to take care of his mother during the difficult period.

Reply to the application is also filed by the IO. The copy of the same also stands supplied to the Ld. Defense counsel.

Submissions are heard on the application from both the sides.

In the present case, the case FIR has been registered on the complaint of one Anjum for the commission of offence u/s 109(1)/3 BNSS as it is alleged that the present applicant/accused alongwith his brother Faizan and some other associate attacked injured Danish and gave him multiple knife blows with intention to kill him. The MLC of the injured Danish also reveals the presence of multiple stab wounds.

It is relevant to note here that one another case FIR no. 155/2026 was also registered at PS Seelampur for the commission of offence u/s 103(1)/3 of BNS in relation to the death of one Ismail, who was the father of the present applicant/accused in which injured of the present case i.e. Danish is one of the main accused.

While arguing on behalf of applicant/accused and seeking his release on interim bail the Ld. Counsel for the applicant/accused has stated that the application in hand is moved by the applicant seeking the grant of the interim bail on humanitarian grounds due to the death of his father and the grant of interim bail is sought for attending the last ceremonies post the death of his father.

It is stated that the applicant/accused has deep roots in the society and there is also no likelihood of his absconding during the period of the interim bail.

It is also submitted that the applicant/accused is also ready to furnish sound and reliable sureties for the purpose of his release and also undertakes to comply with all the terms and conditions which may be imposed by the court for the purpose of his release on interim bail.

Hence, it is prayed that the accused may be released on interim bail.

On the other hand opposing the bail application, it is argued by Ld. APP for the State that the offence alleged against the accused are very serious in nature and the involvement of the accused in the commission of the alleged incident also prima facie stands established in view of the statement of the complainant and injured of the incident namely Danish who has specifically named the applicant/accused as one of the offenders.

It is stated that moreover, there is no merit in the present application filed on behalf of the applicant/accused as the death of the father of the applicant/accused had taken place on 20.04.2026 and all the important ceremonies thereafter, such as, last rites of the deceased father and other ceremonies have already been performed and there is no requirement of the accused to be present in the ceremony of chaliswa as all other member of the family can sufficiently perform the same without the presence of the applicant/accused as during the proposed ceremony the family and other relatives as well as the members of the community of the deceased simply recites Holy Quran, make prayers and give charity on behalf of the deceased's soul.

It is also stated that moreover, considering the gravity of the alleged offences and pending investigation, the likelihood of accused absconding or tampering with prosecution evidence can also not be ruled out.

Hence, it is prayed that the present bail application filed on behalf of the applicant/accused may be dismissed.

After hearing both the sides and perusing the available material and also taking into account that the death of the father of the applicant/accused had taken place on 20.04.2026 and all the important ceremonies pertaining to his death have already been performed and the proposed ceremony i.e. chaliswa can also be sufficiently performed by his family without his physical presence, the court does not find any merits in the present application filed on behalf of the applicant.

Further, the fact that though the ground taken for moving the present application is the performance of a ceremony of chaliswa, however, the period of interim bail sought for attending such ceremony

is 15 days, the same otherwise also does not justify the grant of interim bail on any account.

Moreover, considering the gravity of alleged offences and pending investigation, there is also every likelihood that the applicant/accused after his release may try to tamper with the prosecution evidence or to abscond from the process of law.

Hence, in view of the aforesaid reasons, the court is not inclined to grant any interim bail to the applicant/accused.

The interim bail application in hand accordingly stands dismissed and disposed off.

However it is clarified that nothing stated herein shall tantamount to an opinion or expression of the court on the merits of the case.

Copy of order be given dasti to both the sides on request.

Copy of this order be also sent to Jail Superintendent for his information and office records.

(BALWINDER SINGH)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/30.05.2026