

IA No. 19/2026
SC No. 294/2022
State Vs. Saif Ali @ Sibbu
FIR No. 443/2022
PS: Bhajanpura
U/s: 302/307/34 IPC &
Sec. 25/27 Arms Act

06.03.2026

**ORDER ON APPLICATION FOR GRANT OF BAIL FILED
ON BEHALF OF THE APPLICANT/ACCUSED SAIF ALI @
SIBBU**

1. This order of mine shall dispose of 2nd application for bail filed on behalf of the applicant/accused Saif Ali @ Sibbu.
2. I have already heard Ld. Counsel for the applicant /accused and Ld. Addl. PP for the State.
3. Ld. Counsel for the applicant/accused Saif Ali @ Sibbu has submitted that applicant/accused has been falsely implicated in the present case and the present applicant/accused is in judicial custody since 23.06.2022, except the period of interim bail. He has also submitted that in the present case, evidence of the prosecution is going on and all the material witnesses of the prosecution have already been examined and cross-examined, however, none of them has supported the case of the prosecution. He has also submitted that vide order dated 09.02.2026 passed by the Hon'ble High Court of Delhi, co-accused Aamir @ Sahil has already been granted bail in the present case.
4. Ld. Counsel for the applicant/accused has also

submitted that as per the chargesheet, the prosecution has cited total 48 witnesses, out of which, only 20 witnesses have been examined so far, which shows that it may take long time in completion of the trial. He has also submitted that the present applicant/accused was earlier granted interim bail on two occasions, but, he did not misuse the said liberty. He has also submitted that the applicant/accused is the sole bread earner of his family and he has spent about three years and seven months in judicial custody. Since the material witnesses have already been examined and cross-examined, so, question of tempering with the prosecution witnesses does not arise and no fruitful purpose will be served by keeping this applicant/accused behind the bars for indefinite period and prayed for grant of bail.

5. On the other hand, Sh. F. M. Ansari, Ld. Addl. PP for the State has vehemently opposed this application and submitted that the charges against the present accused have been framed u/s. 302/34; 307/34 IPC and Sec. 27 of Arms Act. In the present case, evidence of prosecution is going on, and many witnesses are yet to be examined, so, there is possibility of hampering with the witnesses and tampering with the evidence and likelihood of fleeing away from justice by this applicant /accused also cannot be ruled out, if this applicant/accused is granted bail and prayed for dismissal of the present application.

6. I have given thoughtful consideration to the submissions made by the Ld. Counsels for the parties and perused the record.

7. Perusal of the record reveals that in the case in hand, evidence of prosecution is going on. Admittedly, all the material witnesses have been examined and the witnesses, who have been examined so far, either have not fully supported the case of the prosecution, or are of such nature, who have not deposed anything about the direct involvement of the present applicant/accused in commission of the alleged offence. The witnesses, who remain to be examined are formal/official in nature. Moreover, co-accused Aamir @ Sahil has already been granted bail by the Hon'ble High Court of Delhi and role of the present applicant/accused is almost similar to the role of co-accused Aamir @ Sahil, therefore, on the ground of parity, the present applicant/accused also deserves to be released on bail.

8. The applicant/accused is in judicial custody since, 23.06.2022, except for the period, when he was on interim bail, and no previous involvement of the applicant/accused is found on record.

9. The Hon'ble High Court of Delhi in case, **Nadeem Chaudhary Vs. State of NCT of Delhi** (Bail Application No. 39/2022) has observed that:

“The object of Jail is to secure the appearance of the accused persons during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable time. The presence of the accused can be secured at the time of trial by putting appropriate conditions”.

10. The Hon'ble High Court of Delhi relying upon the case, **Deepak Yadav V. State of U.P.**, (2022) 8 SCC 559 has observed that:

“Moreover, it is settled law that this Court at the stage of granting bail to the applicant is only to look into the (i) the nature and gravity of the offences/charges coupled with the severity of punishment in case of conviction; and (ii) if there is any chances of the accused absconding once out of bail; and (iii) if there is a reasonable apprehension of the accused influencing the witnesses or tampering the records when released on bail; and (iv) the past conduct and previous record of the accused as he should neither be a threat to the society of which he is going to be a part of once again nor there should be any change of his repeating the same or indulging in any other offence; and (v) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; and (vi) behaviour, means, position and standing of the accused in the society”.

11. The Hon'ble High Court of Delhi in another case, **Raghav Thakur Vs. State** (Bail Application No. 1397/2023) has also observed that:

“The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. Apart from the seriousness of the offence, other factors also have to be borne in mind while considering the bail application. Delay in commencement and/or conclusion of trial is also to be taken into account and the accused cannot be kept in custody for indefinite period, if the trial is likely to take long time”.

12. So far as the apprehension regarding intimidation to the witnesses is concerned, appropriate conditions can always be

imposed upon applicant/accused in order to allay the apprehension raised by prosecution.

13. Considering the facts and circumstances of the present case and the fact that all the material witnesses have already been examined, however, they have not fully supported the case of the prosecution, co-accused Aamir @ Sahil has already been granted bail by the Hon'ble High Court of Delhi and role of the present accused is almost similar to the role of co-accused Aamir @ Sahil, therefore, case of grant of bail to the present accused is made out on the ground of parity also.

14. Accordingly, the applicant/accused Saif Ali @ Sibbu is ordered to be released on bail on furnishing personal bond in the sum of Rs.25,000/- with two sureties of like amount and also subject to the following conditions:

- (1). He will not come in contact with any of the witnesses of the prosecution.
- (2). He will not tamper with the evidence of the prosecution.
- (3). He will not indulge in any criminal activity of similar nature in future.
- (4). He will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or the IO.

15. In case, if he violates any of the above conditions, the prosecution will be at liberty to file application for cancellation of bail of this accused.

16. In the above said terms, the present application for grant of bail filed on behalf of the applicant/accused Saif Ali @ Sibbu stands allowed.

17. Dasti copies of this order be provided to the parties.

18. Attested copy of this order be also 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/06.03.2026**