

CNR No. DLNT01-009840-2025
IA No. 2/2026 in SC No 517/2025
State Vs. Md. Asif & Ors.
FIR No. 291/2025
PS S.P. Badli

31.07.2026

File is being taken up today on an application u/s 483 BNSS moved on behalf of applicant/accused Md. Asif seeking regular bail.

Present : Sh. Girish Giri, Ld. Addl. PP for the State.

Sh. Shubham and Ms. Shivani Rana, Ld. Counsels
for the applicant/accused.

This is an application moved on behalf of applicant/accused Md. Asif seeking regular bail. Ld. Addl. PP for the State accepts notice of the present application. The case file has been requisitioned and perused.

Submissions on the present bail application heard from both sides.

Ld. Counsel for the applicant/accused has submitted that the applicant/accused is innocent and he has been falsely implicated in the present case. It is further submitted that the applicant/accused was actually helping the victim by resolving the quarrel taking place between the victim and other accused persons and it was the applicant/accused himself who took the victim/injured to the nearest hospital. It is being further submitted that the complainant Sh. Chandan Chaudhary and injured Sh. Neeraj Chaudhary have already been examined and discharged as PW6 and PW1 and there are no chances of the applicant/accused intimidating or influencing the witnesses. It is

further submitted that the applicant/accused is in JC since 14.03.2025 and it will take considerably long time to conclude the trial. It is further submitted that jail is an exception but bail is a rule as has been held in catena of judgments.

It is further submitted by the Ld. Counsel for the applicant/accused that no other bail application of the applicant/accused is pending consideration before any Superior Courts or any other Court.

Ld. Addl. PP for the State has strongly opposed the present application and has prayed for its dismissal contending that the allegations against the applicant/accused are serious in nature i.e. attempt to murder as the applicant/accused along with his co-accused persons had given multiple blows to the injured/victim Neeraj Chaudhary.

I have heard Ld. Counsel for the applicant/accused, Ld. Addl. PP for the State and have perused the record.

The Hon'ble Apex Court in case titled as "**Moti Ram vs. State of Madhya Pradesh, (1978) 4 SCC 47**", has held as under :

"The consequences of pre-trial detention are grave. Defendants presumed innocent are subjected to the psychological and physical deprivations of the jail life, usually under more onerous conditions than are imposed on convicted defendants. The jailed defendant loses his job if he has one and is prevented from contributing to the preparation of his defence. Equally important, the burden of his detention frequently falls heavily on the innocent members of his family".

In case titled ***State of Rajasthan Vs. Balchand***, (1977) 4 SCC 308, Hon'ble Apex Court has opined as under:

"2. The basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the Court. We do not intend to be exhaustive but only illustrative."

Perusal of record reveals that the chargesheet for the offence u/s 109(1)/3(5) BNS has been filed against the accused persons in this case. It is a matter of record that the complainant Sh. Chandan Chaudhary and injured Sh. Neeraj Chaudhary have already been examined and discharged as PW6 and PW1 respectively. Conclusion of the trial is likely to take considerable time. Accordingly, keeping in view the overall facts and circumstances, custody of applicant/accused since 14.03.2025 that he cannot be made to suffer pre-trial incarceration, applicant/accused **Md. Asif S/o Sohil Alam is also admitted to bail** on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties each in the like amount to the satisfaction of this Court, and subject to the following conditions :-

(i) the applicant/accused will not leave Delhi without prior permission of the court.

- (ii) the applicant/accused shall appear before the court on each and every date and shall not delay the trial;
- (iii) the applicant/accused shall provide all his mobile numbers to the IO concerned, which shall be kept in working condition at all times and shall not change the mobile number without prior intimation to the IO concerned.
- (iv) The applicant/accused shall also furnish his current residential address to the IO and shall keep him informed about any change.
- (v) the applicant/accused shall not indulge in any criminal activity.
- (vi) the applicant/accused will not threaten or influence the prosecution witnesses or tamper with evidence or create any sort of impediment in the trial etc.

It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.

Copy of this order be given dasti to the Ld. Counsel for the accused and to the IO and be also sent to Jail Superintendent concerned and DLSA North, Delhi for information. The present bail application stands disposed of in terms of the above order.

Put up for purpose fixed on date already fixed i.e.
07.09.2026.

PREM KUMAR BARTHWAL
Principal District & Sessions Judge
North District/Rohini Courts/Delhi
31.07.2026 (dv)