

16.02.2026

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

Sh. Hari Krishan, Ld. Counsel for the applicant/accused.

Accused **Amit @ Kanhaiya** has moved an **application u/s 483 BNSS seeking regular bail.**

Reply to the bail application has already been filed by the IO.

Submissions heard on the present bail application. Record perused.

Ld. Counsel for the applicant/accused submits that the applicant/accused is innocent and he has been falsely implicated in the present case at the instance of his co-accused. Ld. Counsel for applicant/accused has further submitted that the date of arrest has been wrongly typed in para 3 of the application as 30.04.2025 whereas elsewhere it has been mentioned as 20.03.2025 It is further submitted that there are no public witnesses regarding the alleged incident and that the applicant/accused is in JC since 22.03.2025 and the trial is going to take time. It is further submitted that all the investigations are already complete and chargesheet has already been filed and, therefore, no purpose would be served by keeping the applicant/accused behind the bar. In para 6 of the application, it has been claimed that the antecedents of the applicant/accused are very clean and clear and he has never been involved in any criminal act nor convicted by any Court of Law. In support of his

arguments, Ld. Counsel for the applicant/accused has relied upon following judgments :

(i) *State of Rajasthan vs. Balchand* (1977) 4 SCC 308;

(ii) *Sanjay Chandra vs. CBI* (2012) (1 SCC 40);

(iii) *State of Kerala vs. Raneef* [Hon'ble Supreme Court, Crl. Appeal No. 03/2021].

Ld. Addl. PP for the State has strongly opposed the present application and has prayed for its dismissal. He has argued that applicant's co-accused Vishal @ Badal was wanted in a murder cum dacoity case of PS Ashok Vihar and they both tried to escape when the police party had laid a trap to apprehend them in the night of 21.03.2025. It is further submitted that the applicant's co-accused had fired upon the police officials and the applicant/accused had also tried to fire and they were over-powered and apprehended from the spot. It is further submitted that applicant/accused is also involved in many other cases and he was even declared as an absconder in FIR No. 903/2016 u/s 392/394/34 IPC of PS Samaypur Badli. He has further contended that the applicant/accused is a habitual offender and is found involved in four more criminal cases, as per report filed by the IO.

Indeed the bail is a rule and jail is an exception but the allegations against the applicant/accused are grave and serious in nature to the effect that his co-accused Vishal @ Badal fired upon the police official SI Ravi Saini with a fire arm and the bullet had hit on the left side of his wearing bullet proof jacket and that the applicant/accused had also tried to fire upon the police/raiding party but failed as he was over-powered.

Active role has been attributed to the applicant/accused in the alleged crime and he was apprehended along with his co-accused Vishal @ Badal at the spot. The applicant/accused is also found involved in four more criminal cases and chances of his absconding or indulging in similar kind of crime cannot be ruled out if he is released on bail. The judgments cited by the Ld. Counsel for the applicant/accused do not come in aid of the accused as facts and evidence of two criminal cases cannot be identical/same. Perusal of record reveals that the chargesheet for the offence u/s 109(1)/221/132/3(5) BNS and 25/27/54/59 Arms Act has been filed against the accused in this case. In the above facts and circumstances and in view of nature and gravity of offence, no ground is made out to grant bail to the applicant/accused, at this stage. **The present bail application is accordingly dismissed.**

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

The present bail application accordingly stands dismissed and it be tagged with the main file.

Put up on date already fixed i.e. on **23.03.2026**.

(PREM KUMAR BARTHWAL)
Principal District & Sessions Judge
North District/Rohini Courts/Delhi
16.02.2026 (dv)