

**33 Bail Matters 1266/2026
VIKAS Vs. STATE
FIR No. 0038/2026
PS Kanjhawala**

06.08.2026

Both of the regular PAs are on leave today.

Ld. Addl. PP for the State has additional duty in Court no. 203.

File is taken up today.

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
None for applicant/accused.

1. The present application has been moved under Section 483 BNSS, 2023 for grant of regular bail for applicant/accused Vikas @ Vicky @ Rocky.

2. Ld. Counsel for the applicant/accused has submitted that no similar application of the applicant/accused is pending before any other court.

3. Reply already filed. Copy thereof already supplied. Application is listed for orders today.

4. Brief facts of the present case, as per the reply of IO, are that on 05.02.2026, a PCR call vide DD No. 77-A regarding a quarrel was received at PS Kanjhawala. Upon reaching the hospital, injured Pardeep Kumar was found admitted vide MLC No. 2842/26 dated 05.02.2026. In his statement, the injured stated that he had acted as a mediator between Surender and Sharmila in finalizing a plot deal at Anandpur Dham, Karala, Delhi. Due to an ongoing dispute with Sandeep @ Sanjeev Jain regarding the said plot, on 05.02.2026, he visited the spot after

being informed about unauthorized construction. He noticed vehicle No. DL-5CP-1777 belonging to Sanjeev Jain and another vehicle bearing a Punjab registration number there. He alleged that the persons present attempted to intimidate him. Later, while returning home on his vehicle No. DL-10CQ-8231, he was intercepted by a Punjab-numbered vehicle. Four persons alighted, assaulted him, and damaged his vehicle. He identified two assailants as Sonu and Bhola, and suspected Sanjeev Jain, Rahul and Neetu of orchestrating the attack. On the basis of his statement and medical evidence, a case under Section 115(2)/126(2)/324/351(1)/3(5) BNS was registered.

5. The injured was admitted to Maharaja Agrasen Hospital on 05.02.2026 and later shifted to Sir Ganga Ram Hospital on 14.02.2026, where he expired during treatment. Information of his death was received at PS Kanjhawala on 18.02.2026. Post-mortem was conducted at Sanjay Gandhi Memorial Hospital vide PM No. 182/2026 dated 18.02.2026. The cause of death was opined to be "Septicemic shock due to lower limb injuries as a result of blunt object impact". After completion of investigation, IO filed chargesheet u/s 115(2) / 126 (2) / 324) / 351 (1) / 3(5) / 103(1) / 61(2) of BNS before the concerned Ld. JMFC.

6. Ld. Counsel for the accused argued on the lines of bail application. During arguments, it is submitted that applicant is law-abiding citizen of India and currently lodged in Central Jail No. 4, Tihar and has been falsely implicated in the present case, though he has no role to play in alleged incident in any manner.

7. Ld. Counsel for the accused prays for bail on the following grounds:

(a) that the applicant/accused is neither named in the FIR nor any specific act have been attributed to him either by the witnesses or by the investigating agency. The applicant/accused was formally arrested in the present case solely on the basis of disclosure statement of co-accused Vishal @ Ankit.

(b) that no Judicial TIP of the applicant/accused was got conducted by the Investigating Agency despite the applicant/accused not named either in the FIR or in statement of any public witness.

(c) that after in-depth perusal of the entire judicial record it is established that no offence u/s 103(1) of BNS is made out against the applicant/accused. Ld. Counsel placed reliance upon the illustration (b) of Section 300 IPC.

(d) that as per the case of the prosecution, the injured/deceased did not suffer any injuries on any vital part of the body and all the major injuries were on lower limbs of the deceased.

(e) that the deceased died after an inordinate delay of 13 days due to septicemic shock due to injuries. It is further submitted that it settled in medical science that sepsis with septic shock is not a direct cause of death and which does not

occur in ordinary course of nature. Furthermore, it is also settled that there are variable causes of sepsis including the major three causes i.e. Viral, Parasitic or fungal. It is further submitted that by no stretch of imagination knowledge or intention of causing of any infection can be attributed to the applicant/accused.

(f) that the prosecution has not attributed any knowledge about the disease or special frailty of the victim, nor an intention to cause death or bodily injury sufficient in the ordinary course of nature to cause death is attributed to the applicant/accused. Therefore, it can be safely assumed that the present offence will not be murder, even if the injury which caused the death, was intentionally given.

(g) that nothing has been recovered from the instance of applicant and there is no incriminating evidence against the applicant.

(h) that the chargesheet has already been filed, and matter is at the stage of consideration on framing of charge. Furthermore, the prosecution has cited 41 witnesses which has to be examined and cross-examined by the accused persons.

(i) that the allegations pertaining to assault, intimidation, restraint, or any other substantive offence are specifically against the co-accused persons and not against the present applicant. It is submitted that mere presence at the spot cannot establish common intention or conspiracy in the

absence of any material showing active participation, prior meeting of mind on the part of the applicant.

(j) that the investigation qua the applicant stands substantially completed and no further custodial interrogation of the applicant is required.

(k) that the applicant/accused, at the time of his arrest in the present case, was not informed about his grounds of arrest violating section 47 of B.N.S.S. and law laid down by the Hon'ble Supreme Court in *Prabir Purkayastha vs State of NCT of Delhi*, (2024) 8 SCC 254 and *Vihaan Kumar v. State of Haryana*, (2025) 5 SCC 799. It is further submitted that the grounds of arrest supplied to the applicant/accused at the time of his alleged apprehension is an eyewash as the grounds of arrest were communicated in English language which is completely alien to the applicant/accused. Reliance is also placed upon *Kasireddy Upender Reddy v. State of Andhra Pradesh and Ors.*, 2025 SCC OnLine SC 1228.

(l) That the applicant is a permanent resident of Village Ramnagar Bindhas, District Alwar, Khairtal Rajasthan and there is no likelihood of his absconding or tampering with the evidence.

(m) that continued incarceration of the applicant would serve no fruitful purpose as the trial is likely to take considerable time.

8. Learned Additional Public Prosecutor assisted by Ld. Counsel for complainant opposed the application and submitted that the allegations disclose a well-planned execution of murder by accused persons including applicant. It is further submitted that the applicant was not a chance bystander but was acting in concert with the principal assailants. It is submitted that the applicant's presence near the vehicle was part of the common design and facilitated the commission of the offence as well as the escape of the assailants. It is further argued that the question whether the death due to septicaemia breaks the chain of causation is a matter for trial and not a ground for grant of bail.

9. Submissions heard. Record perused.

10. The grounds on which bail has been prayed for are mentioned in the bail application but one of the grounds on which bail has been prayed for is that the accused was not effectively informed about his grounds of arrest in compliance with the judgment of the Hon'ble Supreme Court of India. It is submitted that it is now settled **VIKAS** law that accused has to be informed about his grounds of arrest as per the constitutional mandate mentioned in Article 22 of the Constitution of India. It is further submitted that grounds of arrest are not effectively communicated to the accused as same were communicated in English language which is completely alien to the accused. It is further submitted that IO has not properly communicated about the grounds of arrest which are mandatorily required to be informed to the accused in order to

allow him to prepare his defence/challenge it.

11. Perusal of the record shows that accused was arrested on 27.03.2026 and IO had furnished ground of arrest to the applicant on the same day i.e. 27.03.2026. It is also argued on behalf of accused during argument that ground of arrest which were communicated to the accused were not effectively communicated to him. However, this Court does not find merit in this submission since no prejudice is caused to the accused. In the recent judgement, Hon'ble Supreme Court in case titled as **State of Meghalaya vs. Sonam Raghvanshi @ Bitti @ Bittu SLP (Crl.) No. 11944 of 2026**, observed that :-

“11. We find that the respondent is not entitled for bail, both on merits and on the grounds discussed by both the Courts. There is a fundamental difference between non-service grounds of arrest and non-furnishing of adequate reasons thereunder. While the first category might vitiate the arrest, in the second category, one has to see the prejudice caused to the accused. In the facts of the instant case, it is not as if the respondent was not served with the grounds of arrest. Hence, the case of the respondent falls within the second category discussed above. The respondent has also not taken the said plea at the earliest point of time, having done so only in her 4th Bail Application before the Trial Court.

12. With respect to the contention of the learned senior counsel for the respondent that there is no waiver of the right guaranteed under Article 22 (1) of the Constitution of India and, therefore, the stage at which plea touching upon fundamental rights is raised would not matter, we would only clarify that when an accused person files a bail application, the stage might become irrelevant. However, when the accused person warranted a finding on merits on the earlier occasions, it is not open for him/her to go back and raise the plea on the issue pertaining to the grounds of arrest thereafter.”

12. In the present case, the grievance about the alleged procedural lapse has been raised belatedly and there is no whisper of any prejudice being caused to the petitioner, who was represented by counsel from day one. It is also pertinent to

note here that accused was produced before the Ld. JMFC after his arrest on 28.03.2026 and no such plea was taken at that time. Moreover, he is not an uneducated persons. Admittedly, he studied upto sixth class. In such circumstances, he cannot claim that he was not aware regarding the ground of arrest and any prejudice has been caused to him. Hon'ble Supreme Court in ***State of Karnataka v. Sri Darshan: 2025 SCC OnLine SC 1702*** has held that while compliance of Section 50 Cr.P.C. is mandatory, the consistent judicial approach has been to adopt a 'prejudice-oriented test' when examining alleged procedural lapses and, further held that mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice by denial of a fair opportunity to the accused to defend themselves. Thus, accused is not entitled for grant of bail on the ground that there was no effective communication of ground of arrest.

13. Further, in ***Sri Darshan (Supra)***, Hon'ble Supreme Court has held that

“Offences punishable with life imprisonment or death, the bail court must be especially cautious. In ***Ash Mohammed v. Shiv Raj Singh (supra)***, this Court emphasized that in serious offences, "*the gravity of the offence and its impact on society must weigh heavily with the court, and such cases must be considered with greater care and circumspection*". However, in the present case, the High Court's order fails to reflect any such higher scrutiny or cautious approach, despite the seriousness of the charge and the wider societal impact of the case.”

14. At the stage of consideration of bail, the Court is not expected to undertake a meticulous appreciation of evidence or record findings on disputed questions of fact. The Court is only required to examine whether a *prima facie* case exists, the nature and gravity of accusations, the severity of punishment, the possibility of the accused absconding or influencing witnesses and the larger interests of justice.

15. The contention that no judicial TIP was conducted does not, by itself, entitle the applicant to bail. It is settled that identification in the police station may have limited evidentiary value, yet the absence of TIP is not conclusive. The weight to be attached to the identification is a matter to be appreciated during trial after the witnesses enter the witness box and are subjected to cross-examination.

16. Likewise, the delay in recording the statement of the eye-witness is also an aspect affecting the credibility of the witness and is a matter for appreciation during trial. At the present stage, the Court cannot record a finding that the prosecution version is rendered inherently improbable solely on account of such delay.

17. The submission that the deceased ultimately succumbed to septicaemia also does not persuade this Court to enlarge the applicant on bail. Where injuries inflicted during the occurrence set in motion a chain of events culminating in death, the issue whether septicaemia was a natural consequence of the injuries or constituted an independent intervening cause is essentially a matter requiring evidence and medical

appreciation during trial. At this stage, it cannot be held that the offence under Section 302 IPC is prima facie excluded.

18. The argument that most injuries were on the lower limbs and, therefore, there was no intention to kill also cannot be accepted at this stage. The post-mortem report also reflects injuries on the forehead. The nature of common intention has to be assessed from the totality of circumstances and the role attributed to each accused and not merely from the location of injuries.

19. The material collected during investigation prima facie indicates that the applicant was present at the scene in furtherance of the alleged common design and remained stationed near the SUV while the assault was taking place. The prosecution case is that his presence was not passive but was in furtherance of the common design. Whether such allegation ultimately stands proved is a matter of evidence. At this stage, however, the material cannot be said to be wholly insufficient.

20. The offence alleged is punishable with imprisonment for life or death and is of a grave nature. The trial is yet to conclude and material witnesses remain to be examined. At this stage, there exists a reasonable apprehension that release of the applicant may adversely affect the fair conduct of the trial. Having regard to the gravity of allegations, the nature of the accusation, the material collected during investigation, and without expressing any opinion on the merits of the case, this **VIKAS** Court is not inclined to grant regular bail to the applicant. Accordingly, the bail application stands dismissed.

21. Nothing contained in this order shall be construed as an expression on the merits of the case and shall not prejudice either party during trial.

22. **The application stands disposed of accordingly.**

23. **Copy of the order be given dasti to the Ld. Counsel for applicant/ accused.**

24. **Copy of the order be sent IO as well as Jail Superintendent concerned for information and compliance.**

List the matter for the dated already fixed I.e, **29.08.2026.**

(MUNEESH GARG)
ASJ-02, N/W, ROHINI COURTS
DELHI/06.08.2026