

Bail Matters 728/2026
STATE Vs. AASIF
FIR No. 202/2026
PS- (Kalindi Kunj)
u/s 110/126(2)/3(5) BNS

16.04.2026

Present application has been taken up in terms of Order No. 10 dated 06.03.2026 passed by Ld. Principal District and Sessions Judge, SED, Saket Courts, New Delhi. (Roster)

This is an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Aasif for grant of regular bail.

Present: Sh. S. K. Kain, Ld. Addl. PP for the State.
Sh. Vipin Tiwari and Sh. Bhupender, Ld. Counsel
for the applicant/accused.
Sh. Rishabh Rajput, Ld. Counsel for the
complainant.
IO/SI Ajay Chauhan is present.

1. Vide this order, this Court shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Aasif. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 07.03.2026. Ld. Counsel further submitted that the applicant/accused has been falsely implicated in the present case as he has nothing to do with the alleged offences. Ld. Counsel further submitted that there is a delay in lodging the FIR and that the deceased was under the influence of alcohol and the death

occurred after a gap of about 20 days, thereby breaking the chain of causation. Ld. Counsel further submitted that no previous criminal antecedents are attributed to the applicant/accused and the applicant/accused undertakes to co-operate with the investigating agency. Ld Counsel thus, submitted that bail ought to be granted to applicant/accused and he is ready to abide by all the terms and conditions imposed upon him by this Court.

3. *Per contra* Ld. Addl. PP for the State along with IO vehemently opposed the bail application citing the gravity of the offences as one of the main grounds. Ld. Addl. PP further submitted that the allegations are grave and serious in nature and that the applicant/accused is specifically named in the statement of the eye-witness and has played an active role in the commission of the offence. Ld. Addl. PP further submitted that the medical evidence and post-mortem report are still awaited and the final cause of death is yet to be determined. Ld. Addl. PP also submitted that releasing the applicant/accused on bail may result in influencing witnesses, who belong to the same locality and thus, applicant/accused ought not to be granted bail.

4. I have heard the arguments addressed by the opposite parties and perused the record.

5. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the

accusation; severity of the punishment, the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

6. Brief facts of the prosecution case are that on receipt of a PCR call, it was reported that the deceased Naveen Kumar Verma had been assaulted by multiple persons about a month prior to his death and subsequently succumbed to his injuries. During investigation, it emerged that the present applicant/accused along with co-accused persons had allegedly assaulted the deceased with fists, kicks and danda blows, causing head injuries. It is further the case of the prosecution that the statement of the eye-witness specifically names the present applicant/accused and attributes an active role in the assault. The deceased was initially treated and later admitted in GTB Hospital, where he ultimately expired during treatment.

7. During the course of arguments, it was brought to the fore that the applicant/accused is specifically named in the statement of the eye-witness and assigned a clear role in the assault. The allegations pertain to a serious offence involving assault leading to death. Further, the investigation of the case is still ongoing and the final opinion regarding cause of death is still awaited. The possibility of influencing witnesses cannot be ruled out, considering that parties belong to the same locality. The contentions raised by the learned counsel for the applicant/accused regarding delay in FIR, intoxication of the deceased, and absence of intention are matters of trial and cannot be conclusively adjudicated at this stage.

8. In the aforementioned circumstances, taking into account the gravity of the offences, the role attributed to the accused herein and the fact that the investigation of the case is still ongoing and the final opinion regarding cause of death is yet to be obtained and further, the possibility of influencing/threatening the material prosecution witnesses and tampering with the evidence also cannot be ruled out, I am of the opinion that bail ought not to be granted to the accused Aasif at this juncture. Accordingly, the present bail application is hereby dismissed.

9. Needless to say, the above-mentioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

10. In compliance of **Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022**, copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.

11. Copy of the order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /16.04.2026