

Bail Matters 670/2026

STATE Vs. SHAD

FIR No. 158/2026

PS- (Kalindi Kunj)

u/s 345(3)/318(3)/318(4)/3(5) BNS & Section 3/81 of M.V. Act

18.03.2026

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 Mohd. Saad @ Shad for grant of regular bail.

Present: Sh. S. K. Kain, Ld. Addl. PP for the State.

Sh. Vishal Raj Sehijpal, Ld. Counsel for the
applicant/accused.

IO/SI Satyapreet, PS Kalindi Kunj.

1. Vide this order, I shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Mohd. Saad @ Shad. 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 16.02.2026 and that he has been falsely implicated in the present matter as he is innocent. Ld. Counsel further submitted that the applicant/accused is merely a driver of the truck and has no ownership or control over the registration number of documentation of the vehicle and that the allegations levelled against the applicant/accused are totally false and fabricated. Ld.

Counsel further submitted that the applicant/accused had no knowledge that the registration number written on the vehicle was allegedly incorrect or being misused. Ld. Counsel further submitted that the investigation is complete and nothing is to be recovered at the instance of the applicant/accused and therefore, his further custody is not at all required in the instant case. Ld. Counsel further submitted that the applicant/accused has clean past antecedents. Ld. Counsel thus, submitted that applicant/accused ought to be granted bail and he is ready to abide by all the terms and conditions imposed upon him while granting the bail.

3. *Per contra* Ld Addl. PP for the State along with IO vehemently opposed the bail application as per law. Ld. Addl. PP along with IO further submitted that the applicant/accused has been specifically named in the FIR and that the role of the applicant/accused is that he was driving the alleged truck with changing the number plate. Ld. Addl. PP further submitted that during the investigation, the facts came out that the said truck is owned by co-accused Mustafa and for the purpose of avoiding the legal proceedings and to hide from the insurance company, co-accused changed the number plate to another number. Ld. Addl. PP further submitted that if the applicant/accused is granted bail, he may evade the process of law and thus, submitted that bail ought not to be granted to accused.

4. I have heard the arguments addressed by the opposite parties and also 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. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

6. During the course of arguments, Ld. Addl. PP along with IO farily conceded that in the present matter, investigation has already been completed and the chargesheet of the case will be filed soon before the concerned court. The applicant/accused was allegedly the driver of the alleged truck. Accused is in JC since 16.02.2026. The custodial interrogation of accused is not required for the further purpose of investigation. Besides that, the applicant/accused has no previous involvement in any criminal case except the instant one.

7. In the aforementioned circumstances, taking into account the submissions and the fact that investigation is complete, the chargesheet of the case will be filed soon, as per the submission of IO, and further, no further custodial interrogation of the applicant/accused is required and also, applicant/accused has no previous involvement, I deem it fit to grant regular bail to accused Mohd. Saad @ Shad, on his

furnishing personal bond with surety bond of Rs. 25,000/- with one surety in the like amount to the satisfaction of Ld. JMFC/Link JMFC/Duty JMFC/Court concerned, subject to following conditions:

i) The applicant/accused shall not try to contact or influence the complainant/victim in any manner;

ii) He shall not tamper with evidence in any manner and shall regularly appear before the Court on each and every date of hearing; and

iii) He shall also furnish his mobile phone and mobile phone of his surety to the IO and shall keep his mobile phone operational round the clock and shall share his Google PIN to IO.

8. 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.

9. 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.

10. Order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /18.03.2026