

Bail Matter No. 672/2026
State Vs Sikander Khan
FIR No. 388/2022
PS- NFC
U/s- 324/341/326/34 IPC

17.03.2026

Present: Sh. Narender Yadav, Ld. Addl. PP for the State.
Sh. Karnail Singh and Sh. Aman Upadhyay, Ld.
Counsels for applicant/accused.
IO/ASI Rajender along with SI Rahul Nain are
present.

Reply has been received from Addl. DCP, SED.

**By virtue of this order the bail application u/s-483
BNSS for grant of bail moved by the applicant/accused Sikander
Khan is being disposed of.**

Ld. Counsel for applicant/accused has argued that applicant/accused has been falsely implicated in the present case. He states that FIR was registered in 2022 and after three-four years, accused was arrested. He states that in the FIR, there were allegations against Arbaz and Fardu that they had stabbed knife to the victim, but they were not arrested. He states that a cross FIR was registered as there was fight between group of accused and group of victim. He states that both the groups of friends were in the restaurant and due to some issue, all of sudden, a fight ensued and both the sides received injuries. He states that accused himself received several injuries and lost consciousness. He showed one video of the incident showing the accused lying in blood in an unconscious state. He states that accused had no common intention with other accused persons, who had stabbed knife to the victim and caused injuries to him. He has also

disputed that victim had received grievous injuries. He states that victim was a person of bad character, who was murdered by someone else in 2023. He states that after this incident no fight took place between accused and victim.

A detailed report has been filed by the IO. During court proceedings, IO/ASI Rajender told that victim has expired as he was murdered and in this regard separate FIR No. 254/2023 PS NFC has been registered. He further stated that applicant has no role in the FIR No. 254/2023 PS NFC. He could not give any explanation as to why for 3-4 years, no investigation was carried out and completed. He also could not give any explanation for need of arresting the accused after 3-4 years. The case diary reveals that till date, no investigation has been carried out and apart from victim Hritik, there was another victim, but that another victim, could not be contacted as the current address of that victim is not traceable. He further submitted that no evidence like CCTV footage could be collected nor statement of any witness could be recorded showing that accused was having common intention to cause injuries to the victim. He further submitted that due to lapse of time, there is no evidence to verify the allegations levelled in the FIR as even victim has expired.

The perusal of record reveals that although doctor had opined grievous injuries, but no discharge summary is available showing that on what basis doctor gave opinion that injuries suffered by the victim is grievous in nature as per definition of grievous injuries contained in Sec. 320 IPC.

I have heard the arguments and gone through the record.

In this case, incident took place in 2022 and for 3-4 years nothing was done by the investigating agency. The main accused persons, who allegedly caused grievous injuries have not been arrested, but accused was arrested and admittedly there is no evidence or even statement of any witness showing that accused had any common intention to cause grievous injuries like stabbing by knife or use of knife. The alleged knife has not been recovered. The discharge summary of victim has not been obtained by the IO till date despite lapse of more than 3½ years. Admittedly, the victim has already expired and till date, there is no other witness to verify the allegations levelled in the complaint. It is also admitted that applicant had also suffered injuries and cross FIR was registered. Investigation as far as accused is concerned is complete. No fruitful purpose would be served by keeping the applicant/accused in custody. It has been reiterated by the Higher Courts that bail is a right and jail is an exception and liberty of a person should not be curtailed unless absolutely necessary. **Considering the facts of the case, I am inclined to grant bail to the applicant/accused. Accordingly, applicant/accused Sikander Khan is admitted to bail on his furnishing of personal bond in the sum of Rs. 25,000/- with one surety of like amount to the satisfaction of the court of Ld. JMFC/Link JMFC/Duty JMFC subject to the conditions that:-**

- (i) He shall join and duly co-operate in the investigation as and when required by the IO,**
- (ii) He shall attend trial on each and every date of hearing,**

(iii) He shall not tamper with evidence in any manner or try to contact or influence the complainant or any other prosecution witnesses,

(iv) He shall keep his mobile phone switched ON at all times till further orders and,

(v) He shall not leave the country without prior permission of the Ld. Trial Court.

Nothing expressed herein above shall tantamount to expression of opinion on merits of the case.

Copy of this order be given dasti to Ld. Counsel for applicant/accused and IO. Copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.

(Ankit Singla)
Additional Sessions Judge,
Special Fast Track Court,
South East District,
New Delhi/17.03.2026