

I.A NO. 5/2026
SC 327/2025
STATE Vs. JAHID
(Applicant :- Jahid)
FIR No. 108/2025
PS (BINDA PUR)

U/s : 103(1)/238(B)/61(2)(a)/3(5) BNS & 25/27/54/59 Arms Act

04.06.2026

ORDER

Present: Sh.Vipin Sehrawat, Ld Counsel for the accused /
applicant
Sh Anurag Kumar, Ld Sub. Addl. PP for State
Sh Dinesh Mudgil, Ld Counsel for the complainant
IO Inspector Manoj Bhaskar in person

Vide this order, I shall dispose of the application filed by the applicant/accused Jahid seeking interim bail for a period of four weeks on the ground of Aadhaar enrollment and school admission of his minor child.

It is submitted by the Ld Counsel for the accused / applicant that the accused / applicant is presently in judicial custody and the matter is fixed before this Court for Prosecution evidence on 11.07.2026. It is further submitted that investigation qua the accused / applicant is complete and charge-sheet has already been filed. It is further contended that the accused / applicant is seeking interim bail on the ground that his minor child has to be admitted in school for the current/upcoming academic session and for the said purpose, Aadhaar card is required. It is further submitted that the physical presence of the accused / applicant, being the father and natural guardian, is necessary for biometric verification and completion of documentation and admission formalities.

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Learned counsel for the accused / applicant has further submitted that education and welfare of minor children constitute a valid humanitarian ground for grant of interim bail. *Accordingly, it is prayed that accused / applicant be released on interim bail for four weeks.*

Conversely, Learned Sub. Addl. PP for the State assisted by the IO has opposed the application submitting that the present case pertains to a heinous offence of murder. It is further submitted by Ld Sub. Addl. PP for State that Aadhaar enrollment of a minor child can be done by either parent or guardian and the authentication and consent of the same can also be given by any of the parent or guardian. It is argued that the school has merely stated that presence of guardian is required and therefore the admission and Aadhaar formalities can be completed through other adult family members who are residing with the child. It is further contended that the applicant, if released on interim bail, may influence witnesses or abscond which would hamper the trial of the present case. *Accordingly, it is prayed that the interim bail application filed by the accused/ applicant be dismissed.*

IO in his Reply/status report has also opposed the application of the applicant submitting that he has verified that the applicant has one minor son namely Aayan, aged about 06 years and the request regarding his school admission has also been verified from the concerned school authorities. It is further stated that the school has reported that the child does not possess Aadhaar card and that presence of guardian is required. It is further submitted that the father of the applicant namely Aas Mohamad, brother Abid and mother Varisa are residing with the minor son of the applicant and another

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brother namely Javed is stated to be residing separately at Gurugram. It is also stated that the wife of the applicant has been living separately from him for the last about 3-4 years by way of mutual arrangement. Accordingly, IO on court inquiry submits that there is no requirement of both the parents for making of the Aadhar card of the minor child which can very well can be taken care of by the mother of the minor or other adult family members of the accused / applicant.

I have heard the submissions of the Learned Counsel for the applicant/ accused, Learned Sub. Addl. PP for the State and the IO. Further I have also perused the record carefully.

It is trite to say that although the Cr.P.C./BNSS does not expressly define the concept of interim bail, the same has been judicially recognized to meet compelling, urgent or exceptional circumstances. In ***Arvind Kejriwal v. Directorate of Enforcement, (2024) 9 SCC 577***, the Hon'ble Supreme Court, while referring to ***Athar Pervez v. State, 2016 SCC OnLine Del 6662***, observed that interim bail is temporary release and may be granted under compelling circumstances and grounds, even where regular bail may not be justified. It was further observed that intolerable grief and suffering in given facts may justify temporary release, though such situations cannot be exhaustively catalogued. Thus, interim bail is not to be granted as a matter of routine. The Court is required to balance the humanitarian ground pleaded by the applicant with the nature of allegations, stage of proceedings, possibility of misuse of liberty, likelihood of influencing witnesses and the overall interest of justice.

In the present case, the grounds urged by the applicant / accused relates to school admission and Aadhaar enrollment of his minor son. The said ground is relevant and concerns the welfare of a

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minor child. However, the verification report filed by the IO and the submissions made by him today in the court only shows that presence of any one guardian is required for Aadhar Enrollment. Further, the report of the IO clearly negates that the presence of the applicant alone is indispensable or that no other adult family member can complete the required formalities. Furthermore, the report of the IO also reflects that the applicant's mother is residing separately with the minor child and the applicant is also having support of his father and brothers. All these circumstances go against the applicant/ accused.

This court also cannot lose sight of the fact that the allegations against the applicant / accused are grave in nature. Apparently, the present case pertains to murder by firearm where the accused / applicant furtherance of his common intention along with co-accused persons has committed the murder of one Dharmender Dalal @ Sonu. Therefore, without commenting on the merits of the case, the material relied upon by the prosecution cannot be ignored while considering the prayer of the applicant/ accused for interim bail.

Therefore, considering the seriousness of the offence, the role attributed to the applicant, the material relied upon by the prosecution, the availability of other adult family members/guardians for completing Aadhaar enrollment and school admission formalities and the fact that the school has not insisted upon the personal presence of the applicant alone, this Court is not satisfied that a case for grant of interim bail is made out. Accordingly, the application of the applicant/ accused seeking interim bail is dismissed.

However, keeping in mind the welfare of the minor child, it is directed that the family members of the applicant shall be at liberty to approach the concerned school/Aadhaar enrollment authority

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for completion of Aadhaar and admission formalities. In case any specific written requirement is issued by the concerned authority requiring the personal signature/consent of the applicant, the applicant shall be at liberty to move an appropriate application for necessary facilitation through jail authorities or for any limited relief as permissible in law.

It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

Application stands disposed of accordingly.

Copy of this order be given Dasti to Ld Counsel for the accused / applicant.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/04.06.2026