

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE
WEST DISTRICT : TIS HAZARI COURTS : DELHI**

**SC No. 347/2026
FIR No. 385/2025
PS : Paschim Vihar East
State v. Nishant @ Sawan
U/s. 109(1) BNS**

17.07.2026

Present : None.

ORDER

1. Vide this order, I shall dispose of the application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (in short, 'BNSS') filed on behalf of applicant/accused Nishant @ Sawan seeking grant of bail.

2. As per the version of the prosecution on 31.10.2025, a PCR call vide DD No. 149A was received and after few minutes, another PCR call vide DD No. 152A was also received at Police Station regarding stabbing and the same are assigned to IO/SI Chandan Paswan for necessary action. When IO reached at the spot i.e. Jhuggi No. 114, Sonia Camp, BG-6, Paschim Vihar, Delhi, he conducted inquiry and came to know that all the injured were shifted to Guru Govind Singh Government Hospital (GGSG Hospital), Raghubir Nagar for treatment. After reaching the GGSG Hospital, IO came to know that the victim Inder and his son Sahil were stabbed by the accused and after that, he collected the MLC of the victims Inder and Sahil wherein it has been mentioned that the patients were brought to casualty with alleged

history of physical assault by sharp object by the known person Sawan.

3. It is further the case of prosecution that during investigation, statement of victim Inder was recorded who stated that on 31.10.2025 at about 2.30 p.m., brother-in-law of Neelam came with his taxi and parked in his garage and when he demanded parking fee, Neelam and her brother-in-law started argument with him and thereafter, they went away. Thereafter, on the same day at about 11.30 p.m., accused came at his house, where Sahil was standing, and he asked Sahil why his father demanding parking fee for parking from his mother and uncle and threatened that he won't be saved today. Thereafter, accused took out a knife and started stabbing Sahil and when his father Inder tried to save his son, accused also stabbed him. FIR was registered and accused was arrested and the weapon of offence i.e. knife was also recovered at the instance of the accused.
4. Arguments were addressed by Sh. Mahesh Kumar Patel, Ld. counsel for the applicant/accused and Sh. Atul Kumar Shrivastava, Ld. Addl. PP for the State.
5. Ld. counsel for the applicant/accused submitted that the applicant/accused is in judicial custody since 01.11.2025 i.e. for almost nine months. It is further submitted that perusal of GD No. 149A brings forth that it was Mausi of the applicant/accused who made a PCR call and in the said incident, the applicant/accused also suffered knife injury

but the IO deliberately did not make investigation in this regard. It is further submitted that the alleged knife had been planted and the charge sheet has already been filed and as such the continued incarceration of the accused would serve no fruitful purpose. Ld. counsel for the applicant/accused has further submitted that there are total 17 witnesses in the present case and the trial of the present will take long time and that prolonged incarceration before being pronounced guilty of an offence should not be permitted to become punishment without trial while relying on the judgments *Sanjay Chandra v. CBI*; *Anil v. State 2017 (1) JCC 167*; *Veenu @ Ajay v. State (NCT of Delhi) 2017 (1) JCC 175*; *Amandeep Singh Dhall v. Directorate of Enforcement 2025 (1) JCC 295*; and *Sandeep v. State (NCT of Delhi) 2025(1) JCC 46*.

6. Ld. counsel for the accused has further submitted that earlier three bail applications of the applicant/accused were dismissed and fourth one was withdrawn by him and this is the fifth bail application. It is further submitted that the applicant/accused is young aged person and he is only bread earner of his family and he is not previously convicted in any case. It is further submitted that the accused has been falsely implicated in the present case, in as much as the incident is only because of altercation between the victim and the accused, who was attacked by the complainant party, who suffered injuries. Non-mention of injuries suffered on the body of the accused by the prosecution would make the case of the prosecution very doubtful. The PCR call has been made by the family of the accused and therefore, had the accused been

involved in such incident as alleged by the complainant, no such call have been made by the family of the accused for help and the same lead to a presumption that the investigation has been conducted in false manner in order to implicate the accused in the present case.

7. The Investigating Officer filed reply and has opposed the bail application submitting that the nature of crime is very heinous and if he is released on bail, he can threaten the witnesses. It is further submitted that the applicant/accused is involved in various cases i.e. FIR No. 226/2025 PS Rajouri Garden under Sections 309(4)/309(6)/3(5) BNS and FIR No. 391/2025 PS Paschim Vihar East under Sections 115(2)/126(2)/61(2)/3(5) BNS. It is prayed that the bail application of applicant / accused be dismissed in the interest of justice.

8. Ld. Addl. PP for the State has strongly opposed the present bail application on the ground that the allegation against the applicant/accused are serious in nature as grievous injuries were caused by him by using knife on the neck and abdomen of the victims i.e. Sahil and his father Inder. It is further stated that after the arrest of the accused, the family of the accused had already made an attempt to threaten the complainant and his family and in this regard, an FIR bearing No.391/2025 has already been registered. He further argued that mere filing of charge sheet did not lead to change of circumstances in as much as the filing of the charge sheet did not in any manner lessen the allegations made by the prosecution. It is further argued that the

prosecution has clearly established its case after due investigation, materials available on record and thereafter, the charge sheet has been filed. In this regard, reliance has been placed on the judgment **Virupakshappa Gouda & Anr. v. State of Karnataka & Anr. 2017 Legal Eagle (SC) 236**. It is thus prayed that the bail application be dismissed.

9. Ld. counsel for the applicant/accused in rebuttal has argued that in **Anil v. State (supra)**, the accused, who was in judicial custody for one month, was admitted to bail. In **Amandeep Singh Dhall v. Directorate of Enforcement (supra)**, the investigation was complete and co-accused had been admitted to bail and further prolonged incarceration will be against the fundamental rights of the accused under Article 21 of the Constitution in as much as bail is the rule and refusal is an exception. In addition to it, it is argued that objective to keep a person in judicial custody pending trial or disposal of an appeal is to secure the attendance of the accused during trial. In **Veenu @ Ajay v. State (NCT of Delhi) (supra)**, it is argued that in the same circumstances as in the present case, the Hon'ble High Court has granted bail considering the fact that the injured had been discharged from the hospital and that charge sheet has been finalised and therefore, the accused is no more required in the investigation and bail was granted. Relying on **Sandeep v. State (NCT of Delhi) (supra)**, it has been argued that involvement of the accused in other cases cannot be a ground for denying bail to the accused, when accused (therein) was

languishing in custody for the past seven years and nine months.

10. Ld. Addl. PP for the State has argued that the judgments relied upon by the applicant/accused are distinguishable to the facts of the present case and the reliance placed by the Ld. counsel for the applicant/accused is misplaced in as much as in **Anil (supra)**, the accused (therein) alongwith co-accused stabbed the injured on his stomach and the accused was granted bail as co-accused had caused stab injury. He further argued that in **Amandeep Singh Dhall (supra)**, though Hon'ble High Court has reiterated the principle that the bail is the rule and refusal is an exception, however, in that case, there are more than 215 witnesses who have to be examined and over 500 documents running into tens of thousands of pages were part of chargesheet and, therefore, there was no likelihood of the trial commencing in the near future. He further argued that in **Veenu @ Ajay (supra)**, the accused therein has settled the matter with the complainant and injured was discharged from the hospital and a settlement agreement in this regard had also been placed on record, therefore, the facts of the present case is distinguishable with the facts of the said case. He further argued that in **Sandeep (supra)**, the accused (therein) was in custody for the past seven years and nine months and out of 52 witnesses, only one had been examined and therefore, the trial would inevitably would have been a protracted one, but merely because the accused is engaged in other matters held not to be a ground for denial of bail. Therefore, the facts of the present case is distinguishable to the

facts of the said case.

11. It may be noted that as per the MLC of injured Sahil, the injuries were caused by a sharp weapon i.e. knife, which has been got recovered by the applicant/accused and there was an incised wound over back side of his neck measuring approx. 2.5x01x0.7 cm and wound on left side abdomen with breach of peritoneum measuring approx. 0.5x02 cm, which injuries have been opined as grievous in nature. Merely because the applicant/accused might have suffered some injuries in the incident and the applicant/accused might have also called the police but the same does not entitle him for grant of bail at this stage.
12. Considering the facts and circumstances of the present case including the case laws relied upon by counsel for the parties and the serious nature of injuries which were allegedly inflicted by the applicant/accused by stabbing with knife on neck and abdomen of the victim, and the victim and the accused are living in the same locality and another FIR has been lodged by the family of victim against other family members of the accused, the main eyewitnesses, who are the prime witnesses, are yet to be examined as prosecution witnesses in the case and there are apprehension that in case applicant/accused is enlarged on bail, there are chances of influencing the witnesses of this case, and also considering the fact that there has been no change of circumstances since the earlier bail application of the applicant/accused was dismissed in May, 2026 no case for grant of bail to the

applicant/accused is made out. This Court is of the opinion that this is not a fit case for grant of bail. Accordingly, the application for bail filed by the applicant/accused Nishant @ Sawan is dismissed.

Nothing stated hereinabove shall tantamount to be an expression of final opinion on the merits of the case. With above observations, application stands disposed off accordingly.

Copy of this order be given dasti, as prayed for.

Copy of this order be also sent to concerned Jail Superintendent for information.

**Announced in the open Court
on 17th day of July, 2026**

**(Dr. Vijay Kumar Dahiya)
Principal District & Sessions Judge (West)
Tis Hazari/Delhi**