

IA No. 1/2026 in SC no. 797/2026
State Vs Juned
FIR no. 199/2026
U/s 309(5)/309(6)/105 BNS
PS Kashmiri Gate

27.07.2026

This is an application u/s 483 of the BNSS for grant of regular bail filed on behalf of the accused Junaid.

Present: Sh. Parvesh Ranga, Ld. Addl. PP for the State.
Sh. Pradeep Kumar and Sh. Anil Kumar Tomar, Ld.
Counsels for accused/applicant.
SI Umang Gehlawat on behalf of IO Inspector Satyendra Singh.

Reply filed. Taken on record. Copy be supplied.

Arguments heard.

It is submitted by ld. Counsel for the accused/ applicant that the accused/ applicant has been falsely implicated in the present case and is in JC since 18.04.2026. It is further submitted that no bail application of the accused/ applicant is pending before Hon'ble High Court of Delhi or Hon'ble Supreme Court of India. It is submitted that there is nothing to connect the accused/ applicant with the offence in question. It is submitted that the TIP of the accused/applicant has no value since he had already been shown to the complainant. It is submitted that there are various inconsistencies and infirmities in the case of prosecution and the CCTV footages relied upon the prosecution does not support their case. It is submitted that the charge sheet has been filed and the accused/ applicant is not required for the purpose of investigation any more. It is submitted that the accused/ applicant belongs to a poor strata of the society and his family has come on the verge of starvation, in his absence. It is submitted that no purpose shall be served by keeping him behind bars. It has been

prayed that the application be allowed and the accused/ applicant be released on bail.

Per contra, ld. Addl. PP for the State has opposed the bail application citing the seriousness of the allegations and gravity of the offence. It is submitted that the accused/applicant played a pivotal role in the commission of the offence. It is submitted that there are clinching evidence against the accused/applicant and if enlarge on bail, he may abscond. It is prayed that the bail application be dismissed.

Considered.

This Court is conscious of the settled principle that grant of bail involves balancing the fundamental right to personal liberty of an accused with the interest of society and the rights of the victim and the victim's family. Though every accused is presumed to be innocent until proven guilty, the Court, while considering a prayer for bail, is also required to keep in view the nature and gravity of the allegations, the severity of punishment in the event of conviction, the stage of matter, and the larger societal impact of the offence alleged. The allegations in the present case pertain to commission of a grave and heinous offence involving loss of human life.

As per the prosecution, the deceased sustained injuries during robbery attempt, after falling down, resulting in severe head injuries.

The seriousness of the accusation and the manner in which the offence is alleged to have been committed weigh heavily against the applicant at this stage. The offence alleged is not merely against an individual but has a wider impact upon societal order and the sense of security of the community at large. The rights of the victim and the legitimate expectations of society for a fair trial are also

relevant considerations while adjudicating a prayer for bail in such serious offences.

Though learned counsel for the applicant has emphasized that the applicant satisfies the “triple test” governing grant of bail, namely that he is not likely to abscond, tamper with evidence, or influence witnesses, this Court is of the opinion that satisfaction of the said test alone cannot be treated as conclusive in every case. In offences of grave magnitude, particularly those involving allegations of murder, the Court is also required to consider the overall seriousness of the allegations and the stage at which the matter presently stands.

At this stage, this Court is not inclined to record any observation touching upon the merits of the rival contentions lest the same prejudice either side during trial. However, considering the nature of accusations, the stage of the case, and the material presently collected by the prosecution, this Court is of the considered opinion that it is not a fit case for grant of regular bail to the applicant at this stage.

Without expressing any opinion on the merits of the case, the present bail application is accordingly dismissed.

Dasti to all concerned.

(Bhupinder Singh)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27.07.2026