

IN THE COURT OF MS. RICHA PARIHAR
ASJ-05, SOUTH, SAKET COURTS, NEW DELHI

Bail Matters 1622/2026
STATE Vs. KUNAL @ PANCHI
FIR No.14/2026
PS (Sangam Vihar)
U/s 311/317(2)/3(5) BNS
CNR No. DLST-010087862026

12.08.2026

First bail application u/s 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for the grant of regular bail filed on behalf of the applicant.

Present: Sh. Arun Kumar Singh, Ld. Addl. PP for the State.
Sh. A. K. Sheoran, Ld. counsel for the applicant
(through VC).
IO/ SI Devender Singh is present.

1. IO has filed additional report to the bail application of accused and copy of same has been supplied to Ld. counsel for accused. Further submissions heard. Clarifications sought.
2. By way of the present first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicant/accused Kunal @ Panchi seeks grant of regular bail in the present case.
3. Arguments heard as advanced by Ld. counsel for the applicant/accused and Ld. Additional Public Prosecutor for the State and record perused.

Submissions on behalf of the Applicant.

4. Ld. counsel for the applicant/accused submits that the

applicant has been in judicial custody since 10.01.2026 and has been falsely implicated in the present case. It is submitted that the applicant is innocent, has clean antecedents, and is not a previous convict. It is further submitted that nothing has been recovered either from the possession of the applicant or at his instance.

5. It is submitted that the applicant is the sole breadwinner of his family, belongs to a respectable family, and is a permanent resident of Delhi. It is further submitted that investigation is complete and charge-sheet has already been filed. Ld. counsel places particular reliance on the testimony of the complainant, examined as PW-1 on 08.07.2026, submitting that the complainant has not supported the prosecution case and has not identified the applicant before the Court.
6. It is submitted that the applicant is ready and willing to abide by any conditions imposed by the Court and to furnish reliable surety.

Submissions on behalf of the State.

7. Ld. Additional Public Prosecutor opposes the application, submitting that the allegations are grave and serious, relating to a violent robbery coupled with assault on the complainant. It is submitted that on 10.01.2026, a PCR call vide GD No. 59A regarding robbery with assault was received at Police Station Sangam Vihar, and that during inquiry the complainant stated he had been assaulted with a sharp object by three persons i.e. the present applicant

namely Kunal @ Panchi, co-accused Rohit @ Bhura and Shamshad @ Golu - who had forcibly snatched ₹6,000 from him.

8. It is submitted that the accused persons were known to the complainant and resided in the same locality, giving rise to an apprehension that they may influence or intimidate the complainant and other prosecution witnesses if released.
9. Ld. APP further submits that during investigation, the applicant was first apprehended in an unrelated case, FIR No. 13/2026 under Section 25 of the Arms Act, Police Station Sangam Vihar, and was thereafter formally arrested in the present case; the remaining co-accused were apprehended pursuant to proceedings against the applicant.
10. It is submitted that the complainant had stated during investigation that co-accused Rohit @ Bhura had assaulted him on the ear, and that the MLC recorded a deep lacerated wound measuring $2 \times 2 \times 1$ cm over the left post-auricular region involving the pinna, reflecting the gravity of the offence, which is punishable under Section 309(6) of the BNS, 2023.
11. It is further submitted that the complainant has been influenced by the accused persons and their family members to depose regarding the incident while avoiding identification of the accused before the Court, though during cross-examination by the State the complainant stated that the persons present in Court as accused were the same persons arrested by the police. It is submitted that if

released, the applicant may indulge in similar criminal activity, influence prosecution witnesses, hamper the trial, or flee from justice.

Analysis and Findings.

12. The applicant has been in custody since 10.01.2026 and has undergone a substantial period of incarceration of about 200 days. Investigation stands completed and charge-sheet has already been filed; no further custodial interrogation is stated to be required.
13. A significant circumstance is that the complainant, the material witness to the alleged occurrence, has already been examined as PW-1 on 08.07.2026. The defence has relied on this testimony to submit that the complainant has not supported the prosecution case and has not identified the applicant before the Court.
14. The prosecution disputes the effect of this testimony, submitting that the complainant has been influenced by the accused persons and their family members, and that during cross-examination by the State he stated that the persons present in Court as accused were those arrested by the police. However, at the stage of bail, this Court is not required to undertake a detailed appreciation of evidence or record a finding on the ultimate credibility of PW-1 and same is a matter of trial.
15. What is relevant at this stage is that the material complainant has already been examined, and the prosecution has had the opportunity to place his evidence

on record. The Court cannot, at the stage of bail, presume the outcome of trial merely on the basis of the allegations in the FIR or statements recorded during investigation.

11. A further relevant circumstance is that no recovery has been effected from the possession of the applicant or at his instance. The alleged recovery of ₹600 and the iron-studded belt are attributed to co-accused Rohit @ Bhura and do not implicate the present applicant. The gravity of the alleged offence and the injury sustained by the complainant are relevant considerations and have not been lost sight of. However, gravity cannot be weighed in isolation; it must be considered along with the period of custody undergone, the stage of investigation, the evidence already recorded, and the likely duration of trial.
12. The applicant is stated to have clean antecedents, no previous convictions, and to be a permanent resident of Delhi and the sole breadwinner of his family.
13. The apprehension of the prosecution regarding possible influence over the complainant or other witnesses cannot be entirely disregarded. However, the complainant has already been examined before the Trial Court, and this apprehension can be adequately addressed through stringent conditions restraining the applicant from contacting, threatening, inducing, or influencing the complainant or any prosecution witness, rather than by continued incarceration.
14. Considering the totality of circumstances the period of

custody since 10.01.2026, completion of investigation and filing of charge-sheet, absence of any recovery from the applicant, examination of the material complainant as PW-1, and his clean antecedents this Court is of the considered view that continued detention of the applicant is not warranted on the sole ground of the gravity of the allegations.

15. Accordingly the bail application is allowed. The applicant, Kunal @ Panchi, is directed to be released on regular bail upon furnishing a personal bond in the sum of ₹50,000/- (Rupees Fifty Thousand only) with one sound surety in the like amount, to the satisfaction of the Court/Duty JMFC, subject to the following conditions:

- i. The applicant shall not directly or indirectly contact, threaten, induce, influence, or intimidate the complainant or any other prosecution witness.
- ii. The applicant shall not visit the residence or workplace of the complainant, nor attempt to establish contact with him in any manner, directly or indirectly.
- iii. The applicant shall not cause, attempt to cause, or permit any harm, threat, or harassment to be caused to the complainant or his family members.
- iv. The applicant shall furnish his current residential address and mobile number to the Investigating Officer and the Ld. Trial Court and shall keep the same operational throughout the pendency of trial and intimate regarding the change of same.

v. The applicant shall appear before the Trial Court on every date of hearing, unless personal appearance is specifically exempted.

vi. The applicant shall not leave India without the prior permission of the Trial Court.

16. Any breach of the above conditions shall entitle the State to seek cancellation of bail.

17. It is clarified that the observations made in this order are prima facie in nature, confined to the disposal of the present bail application, and shall not be construed as an expression of opinion on the merits of the case or on the ultimate credibility of any witness.

18. Copy of order be given dasti to Ld. counsel for applicant/accused and be also sent to concerned Jail Superintendent.

(Richa Parihar)
ASJ-05(South), Saket Courts, Delhi
12.08.2026