

State vs. Vijay Kumar
Bail Matter No. 1688/2026
FIR No. 268/2026
PS Subzi Mandi
U/s 118(1)/126(2)/351(2) BNS

17.08.2026

Present: Sh. Gyan Chandra Soni, learned Addl. P.P. for State.
Ms. Isha Malhotra, Ld. Counsel for the applicant
(*through video conferencing mode*).
HC Satyapal is present.

ORDER

1. The present application has been moved on behalf of applicant/accused, namely, Vijay Kumar ('*applicant/accused*' for short), in terms of the provisions under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*), seeking regular bail.
2. Succinctly, the case of the prosecution is based on the complaint of one Tarun Kumar/complainant who *inter alia* proclaimed that on 24.06.2026 at around 07:00 p.m. when he was present in his shop at Tilak Chowk, Mukimpura, Subzi Mandi, Delhi, the applicant Vijay @ Toofan, used to reside in his/complainant's neighborhood, was scuffling with him. As per the complainant the applicant was not only abusing him, rather, also threatening to kill the complainant's family members. As the complainant came outside his shop the applicant abused and threatened him as well as started to get physical with the complainant. In the meanwhile, as per the complainant the applicant brought one *chaku* from his shop and inflicted injuries on the complainant's face. Thereafter, the applicant is asserted to have fled from the spot. Markedly under the facts and

circumstances, the instant FIR came to be registered and investigation ensued. Subsequently on 25.06.2026, the applicant was arrested in the present case and at the behest of the applicant, the pointing out memo of the place of occurrence was prepared, however, the recovery of weapon could not be effected. Notably, as per the MLC of the victim, his nature of injuries was determined to be 'grievous from dental side'.

3. Learned Counsel for the applicant outrightly submitted that the applicant is innocent and has been falsely implicated in the present case on the basis of false allegations, leveled by the complainant. Ld. Counsel further submitted that the applicant has been in judicial custody since his arrest on 25.06.2026, without there being any chance of conclusion of trial anytime in near future. Correspondingly, as per the Ld. Counsel the prosecution has not recovered the alleged weapon and the applicant is constrained to face, rigours of incarceration. Ld. Counsel further submitted that the applicant has clean antecedents and has no previous involvement in any criminal case. In this regard, it was argued that the prosecution has brought on record, nothing with the form of orders/judgment of any court demonstrating the applicant's involvement in any other case. It was further submitted by Ld. Counsel that there is unexplained delay of around one and a half hours from the alleged incident, in reporting the incident, which clearly reflects that the complaint/FIR has been lodged by the complainant with ill intentions. Even otherwise, as per the Ld. Counsel, the prosecution has wrongly asserted that the applicant was arrested in the present case despite the fact that the applicant had duly surrender. Ld. Counsel further submitted that investigation has already concluded and as such the applicant is no more required for any further custodial interrogation and no fruitful purpose

would be served by keeping the applicant in judicial custody any further. Ld. Counsel further submitted that there are no chances of the applicant absconding/ fleeing from justice, if released on bail. Lastly, it was submitted by the Ld. Counsel that applicant is ready to abide by the terms imposed by this Court while granting bail, including cooperating with the investigating authorities for further investigation, as and when summoned/ requisitioned. In support of the said contentions, reliance was placed upon the decisions in; *Sanjay Chandra v. CBI, 2012 (1) SCC 40* and *Sushil Ansal v. CBI, 1997 III AD(Cr.) Delhi 195*.

4. *Per contra*, learned Addl. PP for the State vehemently opposed the present application on the ground that the applicant was actively involved in the commission of offence in the instant case, being grave in nature. Further, as per Ld. Addl. PP for the State, the allegations levelled against the applicant are quite serious in nature. Ld. Addl. PP for the State further submitted that in case bail is granted, there are chances of applicant inducing, threatening and/or coercing the witnesses, besides damaging material evidence. Ld. Addl. PP for the State further submitted that the applicant was also found involved in another case i.e., FIR No. 303/2008 PS Subzi Mandi Under Sections 302/323/506/120B/34 IPC.

5. The arguments of Ld. Counsel for the applicant as well as that of Ld. Addl. PP for the State have been heard as well as case record(s), thoroughly perused.

6. The quandary that surrounds the determination of bail is replete with multitudinous factors, involving establishment of a balanced approach between the conflicting interests. While on one hand, such an adjudgment involves safeguarding the right to liberty of an individual, while preventing harassment, humiliation, and unjustified detention of the accused, on the other

hand, it entails ensuring free, fair and full investigation. Undeniably, liberty of an individual is valuable right, however, it is trite law¹ that such a protection cannot be absolute and there may be instances where the collective interest of the community may predominate the right² of personal liberty of an individual. Ergo, it is quite understandable that while exercising the discretion to grant or refuse bail the Court will have to take into account various considerations³, such as; *“the nature and seriousness of the offence; the circumstances in which the offence was committed; the character of the evidence; the circumstances which are peculiar to the accused; a reasonable apprehension of witnesses being influenced and evidence being tampered with; the larger interest of the public or the State; the position and status of the accused with reference to the victim and the witness; the likelihood of the accused fleeing from justice; the likelihood of the accused repeating the offence; the history of the case as well as the stage of investigation, etc...”* Further, strikingly, it is a settled law⁴ that where there are sufficient reasons to have reasonable apprehension that the accused would flee from justice and/or tamper with prosecution evidence, such an accused can be refused bail. Apposite to further note that though, the courts are required to give reasons at the stage of determination of bail, however, a detailed examination of evidence and elaborate documentation of the merits of the case is not required⁵ at such a stage. Further, court(s) cannot go into the question of credibility and reliability of the witnesses/evidence put up by the prosecution, which can

1 *Masroor v. State of U.P.*, (2009) 14 SCC 286

2 *Shahzad Hasan Khan v. Ishtiaq Hasan Khan*, (1987) 2 SCC 684

3 *Anil Mahajan v. Commissioner of Customs*, 2000 SCC OnLine Del 119; and *Prasanta Kumar Sarkar v. Ashis Chatterjee*, (2010) 14 SCC 496

4 *Anil Mahajan v. Commissioner of Customs*, 84 (2000) DLT 854

5 *Jagjeet Singh v. Ashish Mishra*, (2022) 9 SCC 321

only be tested during the trial¹. Apposite to note in this regard that while considering an entreaty for bail, court(s) cannot be oblivious to the impact of grant thereof on the witnesses or the complainant. In fact, in this regard the superior courts² have persistently cautioned that the impact of grant on bail on the witnesses, yet to be examined and/or victim is required to be duly considered by court(s), at the stage of such determination. Even otherwise, the superior courts³ have also avowed that the impact of an offence on the society, equally needs consideration while determining on an entreaty for bail.

7. Therefore, being wary of the principles hereinunder noted, this Court outrightly observes that the primary contention of the Ld. Counsel for the applicant is that he has been wrongly roped into the present proceedings. However, in this regard it is outrightly asserted that a detailed scrutiny of the evidence or evaluation of their truth/veracity cannot be undertaken at the stage of bail, so as to prejudice either the prosecution's or the defence's case. Suffice it is for the present purpose to note that from a perusal of the documents placed on record, in particular, from the statements of the witnesses, the applicant's complicity and active role in the commission of offence *prima facie* stands established, in so far as the applicant is stated to have inflicted a violent assault on the complainant/victim with the deadly weapon i.e., *knife/chaku*, causing an incised injury on the complainant's face. Correspondingly, as per the MLC of the victim, he is stated to have sustained simple injury from surgical point and grievous injury from dental side. It is also the case of the prosecution that the applicant threatened to kill the complainant before inflicting

1 *Satish Jaggi v. State of Chhattisgarh*, (2007) 11 SCC 195

2 *Sudha Singh v. State of U.P.*, (2021) 4 SCC 781

3 *Neeru Yadav v. State of U.P.*, (2016) 15 SCC 422.

injuries on him, besides, the applicant is found involved in another case, involving serious turpitude.

8. Consequently, in conspectus of the above and further keeping in view the nature and gravity of the allegations; the fact of applicant is involved in a crime of heinous nature; severity of the punishment which may be inflicted on conviction; the role and complicity of the applicant as well as the *prima facie* incriminating evidence brought on record against her; manner of commission of offence; reasonable apprehension regarding the applicant's fleeing from justice, considering the seriousness of offence; the proceedings in the instant case are still at a nascent stage as the charge-sheet is yet to be filed; as well as further considering the impact of the offence on the society, this Court does not deem it fit to grant bail to the applicant at this stage. At this stage, it is further relevant to note here that, though, this Court holds highest regard for the decision relied upon by the Ld. Counsel for the applicant/accused, however, the said decision would come to the aid of the applicant/accused as the facts and circumstances of the present case are clearly distinguishable. Needless to reiterate in this regard, the question of grant or refusal of bail depends upon a determination of several factors, which ultimately depends upon the specific/unique facts and circumstances of each case before Court.

9. Accordingly, the present application under Section 483 BNSS for regular bail *qua* the applicant Vijay Kumar is ***dismissed***.

10. It is clarified herein that the observations made in the present order are only limited for the purpose of deciding the present application of the applicant herein and would have no bearing on the factual matrix of the present case.

11. A copy of the present order be given *dasti* to the Ld. Counsel for the applicant, namely, Vijay Kumar. Further, a **copy of this order be sent to the concerned Jail Superintendent with the direction to hand over** a copy of order to the applicant.

(Abhishek Goyal)
ASJ (FTC)-01, Central District
Tis Hazari Courts, Delhi
17.08.2026