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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 1661/2025 & CRL.M.(BAIL) 2404/2025**
NASIR KHAN @PALIAppellant
Through: Ms. Jahanvi Worah, Adv.

versus

THE STATE (GOVT. OF NCT) DELHIRespondent
Through: Mr. Yudhvir Singh Chauhan, APP.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **05.12.2025**

CRL.M.A. 36309/2025 (seeking exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application stands disposed of.

CRL.M.A. 36310/2025 (seeking condonation of delay)

3. This is an application filed by the Appellant under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 34 days in filing the present appeal.
4. Having heard learned counsel for the parties and in view of the reasons assigned in the application, the present application is allowed and the delay is condoned.
5. Accordingly, the present application stands disposed of.

CRL.A. 1661/2025

6. The present appeal has been filed under Section 415(2) read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* ("BNSS") assailing the Judgment dated 08.07.2025 and Order on Sentence dated 30.08.2025 passed by learned Trial Court in Session Case No. 58025/2016 pertaining to FIR No. 326/2016, under Section 302/307/152/147/148/149/120B/34 IPC, registered at



Police Station Vikas Puri, Delhi.

7. Learned counsel for the appellant submits that *vide* Judgment dated 08.07.2025, the appellant has been convicted under Section 304 (I) read with 149 IPC & 307/149 IPC and Section 148 IPC, and by Order on Sentence dated 30.08.2025, he has been, *inter alia*, sentenced to undergo imprisonment for life.

8. Learned counsel for the appellant submits that there are material contradictions in the statements of the prosecution witnesses. It is contended that the incident occurred in a fit of rage, during which members of the crowd started assaulting each other, resulting in the death of the deceased. It is urged that the act was not premeditated but was committed in the heat of passion arising out of a quarrel between two groups, and therefore the offence, if any, would fall under Section 304 Part II IPC. It is further submitted that the deceased was under the influence of alcohol at the time of the incident.

9. Admit.

10. Learned APP accepts notice of admission of appeal.

11. The Registry is directed to prepare the paper book with e-pagination and all the parties are at liberty to obtain the copy of the paper book from the Registry, if so desire.

12. The Registry shall ensure that the paper book is prepared and placed on record, before the next date of hearing.

13. Let the Trial Court Record, in digital form, be requisitioned before the next date of hearing.

14. List in due course.

CRL.M.(BAIL) 2404/2025

15. The present application has been filed under Section 430 read with Section 528 of BNSS seeking suspension of sentence and release of the appellant on bail during the pendency of the appeal.



16. Learned APP for the State seeks more time to file the reply.
17. Let the reply be filed before the next date of hearing, with an advance copy to the opposite side.
18. The Nominal Roll of the appellant be also called, from the concerned Jail Superintendent, before the next date of hearing.
19. In view of the mandate of the Supreme Court in ***Jagjeet Singh & Ors. vs. Ashish Mishra @ Monu & Anr.*** (2022) 9 SCC 321, intimation be issued through the IO/SHO to the kith and kin of the deceased, who may either appear in person or through video conferencing or be represented through an Advocate, on the next date of hearing.
20. In view of the directions passed by the Supreme Court in the case of ***"Kaushal Singh vs. The State of Rajasthan"*** 2025 SCC OnLine SC 1473, decided on 18.07.2025, the learned counsel for the appellant seeks time to place an affidavit on record, thereby stating about the past involvement of the appellant in criminal case(s), if any, registered against him, containing all the particulars of the said case(s).
21. Let the affidavit be placed on record, within a period of two weeks, with an advance copy to the opposite side.
22. List on 09.01.2026.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

DECEMBER 5, 2025/nc