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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010340942026

+ **BAIL APPLN. 3009/2026**

MEHRAJ KHAN

.....Petitioner

Through: **Mr. Jitendra Kumar, Advocate.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Ms. Shubhi Gupta, APP for State.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **14.09.2026**

1. The applicant, by way of the present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeks for grant of regular bail in connection with FIR No. 251/2025 registered at Police Station GTB Enclave, Delhi for offence under Sections 109(1)/61(2)/238(b)/111/3(5) the Bharatiya Nyaya Sanhita, 2023 (BNS) and 25/27 Arms Act, 1959.

2. Mr. Jitendra Kumar, learned counsel for the applicant, has argued that the applicant is innocent and he has been falsely implicated in the criminal proceedings. According to him, the applicant was not on the spot when the firing incident had allegedly taken place. It is submitted that there is no evidence against the applicant and that he has already undergone about eight months of incarceration.



3. Learned counsel for the applicant further contended that, the after investigation, the charge-sheet has been filed and that the applicant has no previous criminal involvement. It is submitted that the applicant is ready to cooperate for the early completion of the trial.

4. The submissions are opposed by learned APP for the State. She submits that the entire conspiracy was hatched at the instance of the present applicant and that he was at the helm of the incident.

5. According to learned APP, two accused persons are absconding and if, the applicant is granted bail, there would be no possibility of apprehending the absconding accused persons.

6. It is pointed out that the complainant was informed about the present proceedings; however, no one appears on her behalf.

7. The prosecution story would indicate that a firing incident had taken place on the intervening night of 09.11.2025 to 10.11.2025, in front of Cigar Club, Jhilmil Industrial Area, Shahdara, Delhi. The complainant, Ruchi Babbar, had reported that five unknown boys had fired multiple rounds outside Cigar Club. The police officials reached the spot, inspected the area and lifted the exhibits. During the investigation, the identity of the persons involved in the firing incident was established. Besides four Children in Conflict with Law (CCL), the involvement of six other accused persons had surfaced. Out of the six adult accused persons, four, including the present applicant, are lodged in jail, while two other accused persons are absconding.

8. During the investigation, it has emerged that the applicant allegedly provided shelter to the accused persons and had provided SIM to the main accused which was used during offence and the same was subsequently



recovered from one of the CCLs.

9. One of the accused persons, namely, Harish Pathania had disclosed the name of the present applicant as the main conspirator. The mobile phone recovered from the CCL also shows the location of the said mobile phone at the place of the present applicant prior to the incident. For the sake of clarity, the paragraph no. 3 of the Status Report is extracted as under:

“3. That during investigation, the role of the present applicant/accused was found to be not merely peripheral, but as an active participant in the criminal conspiracy. As per the material collected during investigation role of the applicant was-

- Provided shelter/safe residence to the accused person and provided SIM to the main accused which was used during the offence and same was recovered from the accused CCL.*
- Criminal conspiracy in commission of offence.*
- Also the co-accused person namely Harish Pathania has disclosed the same role of the accused/applicant Mehraj Khan.*
- The mobile phone location of the CCL A@ P was also found at the accused Mehraj Shelter.*
- The registered owner of mobile number 9911348446 was interrogated and it was revealed that above sim card was given to Mehraj Khan. It is pertinent to mention that above sim card was used for communication during alleged offence and was recovered from the accused CCL A@ P.”*

10. The Court has considered the submissions made by learned counsel appearing for the parties and have perused the record.

11. The parameters governing the grant of regular bail in non-bailable offences are well settled. In ***Prasanta Kumar Sarkar v. Ashis Chatterjee***¹, the Supreme Court held as follows:

“9. ...It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are: (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the

¹ (2010) 14 SCC 496.



accused absconding or fleeing, if released on bail...”

12. The object underlying the grant of bail was authoritatively explained by the Supreme Court in ***Sanjay Chandra v. Central Bureau of Investigation***², in the following terms:

“In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon.”

13. The Supreme Court has consistently reiterated that bail is the rule and jail the exception. In ***Dataram Singh v. State of U.P.***³, it was observed that the grant of bail must be exercised in a judicious and compassionate manner, having regard to the presumption of innocence that attaches to every accused until guilt is established in accordance with law

14. The duration of incarceration and the likely progress of the trial are also material considerations at the stage of bail, and cannot be treated as subordinate merely because the offence alleged is a grave one. In ***State of Kerala v. Raneef***⁴, the Supreme Court held:

“15. In deciding bail applications an important factor which should certainly be taken into consideration by the court is the delay in concluding the trial. Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody?”

15. The Court finds that the investigation *qua* the present applicant has already been completed. He does not have any criminal antecedents. The role assigned to him is that of a conspirator; however, the conspiracy will

² (2012) 1 SCC 40.

³ (2018) 3 SCC 22.

⁴ (2011) 1 SCC 784.



have to be established on the basis of the evidence which the prosecution shall adduce during the course of trial. The applicant does not have any direct involvement in the alleged firing. His presence at the spot where the firing incident had taken place is admittedly absent.

16. It is also seen that the firing did not result in causing injury to anyone. The applicant has already suffered about eight months of incarceration.

17. In view of the aforesaid facts and circumstances, the applicant is directed to be released on regular bail subject to such conditions as may be imposed by the concerned Trial Court.

18. The application stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 14, 2026

aks/mh