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

+ **CRL.M.C. 605/2026**

STATE

.....Petitioner

Through: Mr. Sanjeev Bhandari, ASC with
Mr. Arjit Sharma, Ms. Sakshi Jha,
Advocates.

versus

MD. UBEDULLAH

.....Respondent

Through: Mr. A.F. Faizi, Mr. M.K. Malik,
Mr. Videh Vaish, Mr. Amit Singh,
Mr. Tabish Kamal, Mr. Sazid S.R.
Shah, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.01.2026

CRL.M.A. 2402/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 605/2026 & CRL.M.A. 2401/2026 (for stay)

1. Issue notice. Mr. A.F. Faizi, learned counsel, accepts notice on behalf of the respondent. The petition is taken up for disposal with the consent of learned counsel for the parties.
2. The State has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, against an order of the learned Sessions Court dated 20.01.2026, by which regular bail has been granted to the respondent in proceedings arising out of FIR No. 17/2026 dated



07.01.2026, registered at Police Station Chandni Mahal, District Central, New Delhi, under Sections 221, 132, 121, 191(2), 191(3), 223(a), 109(1), 49, and 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 3 of the Prevention of Damage to Public Property Act, 1984.

3. The principal submission of Mr. Sanjeev Bhandari, learned Additional Standing Counsel for the State, is that the learned Sessions Court has not assigned any reasons for grant of regular bail. He submits that the proceedings arise out of very serious allegations against the respondent, who is accused of having been a participant in a mob which attacked and injured public officials, including police officers, while they were engaged in the removal of illegal encroachments/constructions around Faiz-e-Ilahi Masjid/Badi Masjid, Turkman Gate, Delhi, pursuant to directions of this Court. He draws my attention to the reply dated 14.01.2026, filed by the prosecution in response to the bail application, which refers to several persons having sustained injuries, and to the fact that the police team was compelled to fire 124 shells of tear gas in order to control the situation. The present respondent is stated to have been present at the spot and, according to the prosecution, was actively participating in the commission of the offence, as corroborated from his call details and as identified by the staff deputed at the scene.

4. The impugned order deals with the bail application in the following terms:

“3. It is noted that accused herein is the resident of 1783, Main Market, Turkman Gate, Delhi, G.T. road. It is submitted on behalf of accused that residence of accused is hardly 50 mtrs. away from the place of incident and he has not done any act of offence in the present case. The prosecution has filed the photo in which it is claimed that the person who is seen in the photo is this accused. It is submitted on



behalf of accused that the accused is shown just near and outside his house. Hence it is noted that it is natural for the accused to be present near his house.

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6. *It is submitted on behalf of accused that no video of this accused at other than the place near the house nor any CDR has come on record showing that this accused was in any manner involved in the offence. It is submitted that he is only bread earner of his family. He is only son to look after his paralysed father and medical prescription slip of his father are filed on record. The statement of bank account is also filed on record to show the financial status of the accused. It is submitted that accused has three antecedents with no prior criminal record. The main prosecution witnesses are police witness only. It is submitted that accused is in J/C since 08.01.2026/*

7. *Ld. APP for the state has submitted that this accused was involved under Section 149 IPC/190 of BNS. It is noted that police custody of this accused is not required. It is submitted for accused that accused will cooperate during investigation and will observe conditions granted for him.*

8. *Keeping in view the facts and circumstances of the case accused is held entitled to bail in this matter. Accordingly the applicant/accused Md. Ubedullah is granted bail on personal bond of Rs.25,000/- with one surety in the like amount, to the satisfaction of Ld. JMFC/Link: JMFC/Duty JMFC subject to following conditions:*

(i) He shall regularly appear in the Court during trial of the case;

(ii) He shall not tamper with the evidence;

(iii) During the period of bail, the accused/applicant shall not try to contact or influence, directly or indirectly, any of the witnesses of the present case;

(iv) The applicant/ accused is directed not to leave the country without prior permission of the Court;

(v) The applicant shall join the investigation as and when called for;

(vi) The applicant/accused is directed to provide all his mobile numbers to the Investigating Officer and keep them operational at all times; and

(vii) The applicant shall give his address to the IO and if he changes the address he shall intimate beforehand the same to the IO and the Court.



(viii) *The applicant/accused shall not go in the range of 50 meters of the house of the victim/complainant*”¹

5. Mr. Faizi, on the other hand, submits that there is no video of the incident which links the present respondent to the offences in question, and that his presence at the site was only because he is a resident of the locality. He further submits that adequate reasons have been given for the view taken by the learned Sessions Court. However, he submits that the Court may remand the matter for reconsideration by the learned Sessions Court, and requests that the matter be placed before the learned Sessions Court tomorrow itself.

6. Mr. Bhandari, states, upon instructions, that the State is also agreeable to the matter being placed before the learned Sessions Court tomorrow.

7. The judgments of the Supreme Court *inter alia* in *Manoj Kumar Khokhar v. State of Rajasthan*², *Deepak Yadav v. State of Uttar Pradesh*³, and *Parvinder Singh Khurana v. Directorate of Enforcement*⁴, make it clear that some reasons are required to be assigned, however brief, while adjudicating an application for bail.

a. In *Manoj Kumar Khokhar*, upon an analysis of several authorities, the Supreme Court elaborated upon various factors which require consideration in a bail application. Specifically, with regard to the requirement of giving reasons, the Court held as follows:

“36. *We have extracted the relevant portions of the impugned order*

¹ Paragraphs 4 and 5 of the impugned order deal with maintainability of the petition and are not relevant for the present purposes.

² (2022) 3 SCC 501 [hereinafter, “*Manoj Kumar Khokhar*”].

³ (2022) 8 SCC 559 [hereinafter, “*Deepak Yadav*”].

⁴ 2024 SCC OnLine SC 1765 [hereinafter, “*Parvinder Singh Khurana*”].



above. At the outset, we observe that the extracted portions are the only portions forming part of the “reasoning” of the High Court while granting bail. As noted from the aforesaid judgments, it is not necessary for a court to give elaborate reasons while granting bail particularly when the case is at the initial stage and the allegations of the offences by the accused would not have been crystallised as such. There cannot be elaborate details recorded to give an impression that the case is one that would result in a conviction or, by contrast, in an acquittal while passing an order on an application for grant of bail. However, the court deciding a bail application cannot completely divorce its decision from material aspects of the case such as the allegations made against the accused; severity of the punishment if the allegations are proved beyond reasonable doubt and would result in a conviction; reasonable apprehension of the witnesses being influenced by the accused; tampering of the evidence; the frivolity in the case of the prosecution; criminal antecedents of the accused; and a prima facie satisfaction of the court in support of the charge against the accused.

37. Ultimately, the court considering an application for bail has to exercise discretion in a judicious manner and in accordance with the settled principles of law having regard to the crime alleged to be committed by the accused on the one hand and ensuring purity of the trial of the case on the other.

38. Thus, while elaborate reasons may not be assigned for grant of bail or an extensive discussion of the merits of the case may not be undertaken by the court considering a bail application, an order dehors reasoning or bereft of the relevant reasons cannot result in grant of bail. In such a case the prosecution or the informant has a right to assail the order before a higher forum. As noted in *Gurcharan Singh v. State (Delhi Admn.)* [*Gurcharan Singh v. State (Delhi Admn.)*, (1978) 1 SCC 118], when bail has been granted to an accused, the State may, if new circumstances have arisen following the grant of such bail, approach the High Court seeking cancellation of bail under Section 439(2) CrPC. However, if no new circumstances have cropped up since the grant of bail, the State may prefer an appeal against the order granting bail, on the ground that the same is perverse or illegal or has been arrived at by ignoring material aspects which establish a prima facie case against the accused.”⁵

- b. The aforesaid principle was reiterated by a three-judge Bench of the Supreme Court in *Deepak Yadav*, as follows:



“27. The importance of assigning reasoning for grant or denial of bail can never be undermined. There is prima facie need to indicate reasons particularly in cases of grant or denial of bail where the accused is charged with a serious offence. The sound reasoning in a particular case is a reassurance that discretion has been exercised by the decision-maker after considering all the relevant grounds and by disregarding extraneous considerations.”

- c. In *Parvinder Singh Khurana*, in fact, the Supreme Court identified lack of reasons, as one of the grounds which may even justify grant of an interim order of stay:

*“12. The Court dealing with the application for cancellation of bail can always ensure that notice is served on the accused as soon as possible and that the application is heard expeditiously. An order granting bail can be stayed by the Court only in exceptional cases when a very strong prima facie case of the existence of the grounds for cancellation of bail is made out. The prima facie case must be of a very high standard. **By way of illustration, we can point out a case where the bail is granted by a very cryptic order without recording any reasons or application of mind.** One more illustration can be of a case where material is available on record to prove serious misuse of the liberty made by the accused by tampering with the evidence, such as threatening the prosecution witnesses. If the High Court or Sessions Court concludes that an exceptional case is made out for the grant of stay, the Court must record brief reasons and set out the grounds for coming to such a conclusion.”⁶*

8. Having heard learned counsel for the parties, and applying the aforesaid legal position to the present case, I am of the view that the impugned order does not adequately address the arguments of the parties. Most of the contents consist of recording of submissions, without even a *prima facie* or brief analysis of the factors which govern adjudication of

⁵ Emphasis supplied.

⁶ Emphasis supplied.



bail applications. Even if paragraph 3 of the impugned order is read to accept that the presence of the respondent in the vicinity was natural, the contents of the reply filed by the State, and the contentions recorded in paragraphs 6 and 7 have not been adequately addressed by the learned Sessions Court.

9. While the Court is extremely cautious in interfering with liberty granted to an individual, the present case falls within one of the exceptional cases in terms of the aforesaid judgments, as the impugned order is cryptic and unreasoned.

10. I am informed that, pursuant to the impugned order, bail bonds were furnished by the respondent, and have been verified by the prosecution. The case has been listed before the learned Magistrate for verification tomorrow at 02:00 PM. Having regard to the fact that the respondent remains in custody, as the verification report has not yet been submitted to the learned Magistrate, I accept the suggestion of learned counsel for the parties that the matter may be remanded to the learned Sessions Court for reconsideration, and placed before the Court tomorrow.

11. However, it is made clear that the observations of this Court are only for the purpose of deciding the present petition, and shall neither influence the decision of the learned Sessions Court upon remand, nor be construed as an expression of opinion on the merits of the case.

12. For the aforesaid reasons, the petition is disposed of with the following directions:

A. The impugned order dated 20.01.2026 is set aside for want of adequate reasons, and BAIL APPLN. 96/2026 is remanded to the



learned Sessions Court.

- B. The bail application will be listed before the learned Sessions Court tomorrow, i.e. 23.01.2026 at 10:00 AM, and will be considered on the basis of the material on record.
 - C. The prosecution may file an additional status report before the learned Sessions Court tomorrow.
 - D. In the event the learned Sessions Court allows the respondent's bail application, pursuant to this order of remand, Mr. Bhandari states upon instructions that, the bail bonds already furnished by him and verified by the police will be taken into consideration.
 - E. In the event bail is granted by the learned Sessions Court, the verification report, which has already been prepared, will be submitted before the learned Magistrate's Court tomorrow at 02:00 PM, as scheduled.
13. Needless to say, the petitioner's remedies before this Court remain reserved.
14. The petition, alongwith pending application, is disposed of in the aforesaid terms.
15. Copy of this order be given *dasti* under the signatures of the Court Master.

PRATEEK JALAN, J

JANUARY 22, 2026
'Bhupi/KA'/'