





**CORAM:**  
**HON'BLE MR. JUSTICE PRATEEK JALAN**

**JUDGMNET**

1. By way of these four bail applications filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the petitioners seek regular bail in connection with FIR No. 533/2025, dated 18.12.2025, registered at Police Station Maidan Garhi, for the offences punishable under Sections 109(1)/115(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].
2. As all four bail applications arise out of the same FIR, they are disposed of by a common order.
3. Notice was issued in these applications on 30.01.2026 and 02.02.2026. The prosecution has filed status reports dated 06.02.2026 in each of the cases.

**I. FACTUAL MATRIX**

4. The FIR was registered on the complaint of one Amit Tanwar [hereinafter "the complainant"]. The allegations in the FIR may be summarised as follows:
  - A. The complainant and his family take bookings for weddings, parties and other functions at a property known as "*Divine Farms*".
  - B. The venue was booked on 17/18.12.2025 by one Mr. Sukhvender Singh for the wedding reception of his son.
  - C. At about 11:30PM-12:00AM, it was reported by his manager Tapan that some guests were taking food out to their cars.
  - D. The brother of the complainant, Gaurav Tanwar [hereinafter,



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Gaurav”], went with Tapan and stopped a guest from taking food to his car. The guest is identified in the FIR as a “Sardar”.

- E. The said guest thereafter started abusing Gaurav and called 8-10 of his relatives.
- F. At this time, the complainant reached the spot, but the group of guests started assaulting Gaurav physically. The complainant started pushing them to save Gaurav, at which time two persons picked up decorative glass tubes. They started telling their companions that they had been disrespected, by being slapped in front of their relatives at the function, for which they would extract revenge by killing him. Two of the persons caught Gaurav’s arms and legs and took him to the corner with the aforesaid glass tubes, which they used as a knife. They attacked Gaurav on his head, face and neck. To save his brother, the complainant called his employees. They tried to save themselves, but 7-8 persons attacked him and his employees with chairs and other articles lying nearby. As a result, the complainant and his employees were also hurt. The assailants were shouting that the person concerned would be killed, as revenge for the insult suffered by them. Ultimately, when Gaurav fell on the ground, the assailants ran away, assuming he was dead.
- G. The complainant and his employees ran after them, but were not able to catch them.
- H. The assailants left their car [registration No. DL-12-CM-5157] at the banquet hall.
- I. The complainant took Gaurav to AIIMS Trauma Centre, and he



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was subsequently operated on his eye at the Dr. Rajendra Prasad Eye Centre.

5. Although the FIR was registered against unknown persons, all the four accused have been arrested in connection with the aforesaid FIR. The petitioners in BAIL.APPLN. 423/2026 [hereinafter, “Rajveer Singh”], BAIL.APPLN. 426/2026 [hereinafter, “Gurmeet Singh”] and BAIL.APPLN 427/2026 [hereinafter, “Gurcharan Singh”] were arrested on 20.12.2025 and have thus spent over two months in custody. The petitioner in BAIL.APPLN. 443/2026 [hereinafter, “Walayati Singh”] was arrested on 08.01.2026 and his period of custody is thus a few days short of two months.

6. All four petitioners previously sought bail before the Sessions Court, but their applications were dismissed. The bail applications filed by Rajveer Singh, Gurmeet Singh, and Gurcharan Singh were dismissed by separate orders dated 07.01.2026, whereas the bail application filed by Walayati Singh was dismissed *vide* order dated 22.01.2026.

## ***II. SUBMISSIONS BY LEARNED COUNSEL FOR THE PARTIES***

7. Arguments in support of the applications were advanced by Mr. N. Hariharan, learned Senior Counsel, on behalf of Walayati Singh, and Mr. Tanveer Ahmed Mir, learned Senior Counsel, for the other three petitioners. Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor, and Mr. Navin Sharma, learned counsel for the complainant, opposed the applications.

8. The arguments advanced by Mr. Hariharan and Mr. Mir may be summarised as follows:

A. The allegations arose out of a sudden and un-premeditated fight



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which broke out between the guests at the banquet hall and the persons running the banquet hall, over a trivial dispute. According to the petitioners, the genesis of the dispute was in the complainant's brother objecting to a plate of food being carried by one of the accused for his elderly mother, who was seated in a car in the parking lot.

- B. It was Gaurav, who in fact, escalated the dispute to a physical fight by laying the first blow on one of the accused.
- C. There is no forensic evidence to link any of the present petitioners to the actual incident in question. The only CCTV footage collected by the prosecution is at the entrance of the farmhouse which, even if it shows the accused entering or leaving from the farmhouse, does not establish their participation in the offence.
- D. Learned Senior Counsel referred to the particular role attributed to each of the petitioners in the status reports filed by the prosecution, to submit that the charge under section 109(1) of BNS (corresponding to Section 307 of the Indian Penal Code, 1860 ["IPC"]) was not made out against them. They submitted that, at best, the present petitioners, even according to the prosecution's case, would only be liable for offences under Sections 110, 115 and 117 of BNS (equivalent to Sections 308, 323, and 325 of IPC), which would, at the most, attract a sentence of seven years' imprisonment. They submitted that, in the absence of a premeditated attack, the offence under section 109 of BNS would not be made out, and that the FIR also does not disclose the ingredients of common intention under Section 3(5) of BNS



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(equivalent to Section 34 of IPC).

- E. Learned Senior Counsel also referred to the status report filed by the prosecution before the Sessions Court in a bail application filed by a co-accused Kirtan Singh, and to an order of Sessions Court dated 30.12.2025, by which the said co-accused was granted bail. They submitted that the allegations against the present petitioners are far less grave than those against the said co-accused, and therefore sought parity.
- F. The petitioners have already spent a substantial period in custody. None of the petitioners have criminal antecedents. The petitioners' continued custody is not required for any purpose. Further, Gurmeet Singh and Rajveer Singh are also very young, aged 20 and 23 years respectively.
9. Mr. Chauhan and Mr. Sharma, on the other hand, submitted as follows:
- A. Contrary to the petitioners' case, the petitioners were the undoubted aggressors in the incident in question. The petitioners and their family, who had booked the hall for a wedding function, were removing food from the location and carrying it to the parking lot, where alcohol was being consumed without license. They were unjustifiably angered by the polite request of Gaurav and other employees/associates, not to do so. They therefore attacked him with the clear intention to kill him.
- B. Learned counsel drew my attention to the injuries suffered by Gaurav, including permanent loss of vision in one eye to emphasise the manner and brutality of the attack orchestrated upon him.



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- C. Relying upon a judgement of the Supreme Court in *Ashish Yadav v. Yashpal*<sup>1</sup>, and an order in *State of Karnataka v. Battegowda*<sup>2</sup>, they submitted that common intention can be gathered on the spur of the moment and premeditation is not the *sine qua non* of such an offence.
- D. They submitted that the contents of the FIR include the allegation of exhortation to kill the victim, which clearly establishes common intention in the facts of the case. These allegations are corroborated by the nature of the injuries revealed in the MLC.
- E. The investigation is still ongoing, and some of the participants in the offence are still to be identified and apprehended. If the petitioners are released on bail prior to filing of the chargesheet, it is likely that they would seek to influence witnesses and/or tamper with the evidence.
- F. The petitioners' reliance upon bail granted to co-accused Kirtan Singh is of little assistance at this stage, as this Court has issued notice on a petition filed by the complainant against the bail order dated 30.12.2025. The said petition [CRL.M.C 159/2026], is pending consideration and is next listed on 09.03.2026.
10. Learned counsel on both sides have also relied upon various photographs annexed to the bail applications in support of their contentions.

### **III. ANALYSIS**

11. At the very outset, it may be observed that adjudication of a bail

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<sup>1</sup> 2025 SCC OnLine SC 1100 [hereinafter, "*Ashish Yadav*"].

<sup>2</sup> Criminal Appeal No. 1694/2014, decided on 09.01.2025 [hereinafter, "*Battegowda*"].



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application is not the appropriate stage for conducting a mini trial, as held by the Supreme Court in *Union of India v. K.A. Najeeb*<sup>3</sup>, and more recently in *State of U.P. v. Anurudh*<sup>4</sup>. Learned counsel for the parties joined issue as to whether the prosecution's case against the present petitioners can form the basis of the charge under Section 109 of BNS, which carries a maximum sentence of life imprisonment, even with the aid of Section 3(5) of BNS. However, I consider it neither necessary nor appropriate, in the facts of the present case, to undertake this exercise at this stage. The investigation remains in progress as of now, and it would be premature to identify the charges which may or may not ultimately be framed against the petitioners. For the same reason, the question of whether the facts of the case reveal formation of a common intention by the co-accused is also left open for the Sessions Court to consider at the appropriate stage.

12. For the present, in my view, it suffices to examine the nature of the allegations made against each of the petitioners, and to assess whether the nature of those allegations requires that they be deprived of their liberty any further. In this context, it is useful to extract the relevant contents of the status reports filed in each of the cases:

a) **Walayati Singh**

*“11. That the CCTV footage of the Divine Farm was analyzed. It is revealed in the CCTV camera which is installed inside the banquet hall that at 23:50;20, the injured Gaurav Tanwar is coming towards the main gate and at 23;54;35 the petitioner/accused (the man in red color blazer, black color turban, black pent and black color shoes is coming towards the main entry gate.*

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<sup>3</sup> (2021) 3 SCC 713.

<sup>4</sup> 2026 SCC OnLine SC 40.



12. That as per the CCTV camera which is installed at the entry gate of the banquet hall, the quarrel was started at 23:50:31, the injured Gaurav Tanwar came at spot at 23:50:25, the petitioner/accused (the man in red color blazer, black color turban, black pent and black color shoes) Villayati Singh was coming at place of incident running from the main entry gate at 23:55:11.

13. That the presence of the petitioner/accused is shown in the CCTV footages at the time of the incident, moreover he is seen running to the place of incident.

14. That on 01.02.2026, the statement of injured Gaurav Tanwar was recorded wherein he specifically named Villayati Singh the petitioner as one of the assailants who attacked him with a candle stand, resulting in permanent loss in his left eye.”<sup>5</sup>

**b) Rajveer Singh:**

“10. That on 11.01.2026 the statements U/S 180 BNSS of the complainant/injured Amit Tanwar S/o Karan Singh and injured witness Ankur Singh S/o Surender Singh have been recorded after the TIP of the present petitioner/accused Rajveer Singh. The witnesses stated that the present petitioner/accused Rajveer Singh attacked on injured witness Ankur Singh by iron pipe and attacked on Gaurav Tanwar and the other employees.”<sup>6</sup>

**c) Gurmeet Singh:**

“10. That on 11.01.2026 the statements U/S 180 BNSS of the complainant/injured Amit Tanwar S/o Karan Singh and injured witness Ankur Singh S/o Surender Singh have been recorded after the TIP of the present petitioner/accused Gurmeet Singh. The witnesses stated that the present petitioner/accused Gurmeet Singh attacked by iron chair on the other employees/injured who came in defence of Gaurav Tanwar.”<sup>7</sup>

**d) Gurcharan Singh:**

“11. That on 11.01.2026 the statements U/S 180 BNSS of the complainant/injured Amit Tanwar S/o Karan Singh and injured witness Ankur Singh S/o Surender Singh have been recorded after the TIP of the present petitioner/accused Gurcharan Singh. The witnesses stated that the present petitioner/accused Gurcharan Singh

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<sup>5</sup> Emphasis supplied.

<sup>6</sup> Emphasis supplied.

<sup>7</sup> Emphasis supplied.



**attacked on the other employees by punches and kicks.”<sup>8</sup>**

13. The status reports in BAIL.APPLN. 423/2026, BAIL.APPLN. 426/2026 and BAIL.APPLN. 427/2026 also contains the following report regarding the availability of CCTV coverage at the place of offence:

*“11. That the CCTV Camera Footage of banquet hall was analysed in which the **starting point of the quarrel was covered in a camera which is installed at entry/exit gate of banquet hall, but the main physical assault took place at the parking area of Divine Farm as per the statement of the complainant, which is not covered by any CCTV Camera of banquet hall.** It is pertinent to mention here that the blood stain of the injured persons was found on the ground in the parking area and the same was photographed and lifted by the crime team.”<sup>9</sup>*

14. In the status reports, the prosecution has referred to the nature of injuries inflicted upon the injured persons as follows<sup>10</sup>:

*“15. That other injured persons **Shamshad also sustained grievous injury.** Further, the **injured persons Amit Tanwar, Ankur Singh, Saurabh Singh and Surender Singh sustained simple injuries.***

*16. That it is pertinent to mention here that the medical record of **injured Gaurav Tanwar reflect the following injuries resulting into permanent loss of vision in left eye.***

- *Left Preseptal laceration and haematoma*
- *Phthisis bulbi on the left which hyperdense contents within – haemorrhagic content*
- *Fracture lateral wall of left orbit with sutural diastasis of the left frontozygomatic suture*
- *Fracture inferior wall of left orbit (superior wall of left maxillary sinus) with tethered left inferior rectus muscle and displaced comminuted fracture all walls of left maxillary sinus*
- *Left maxillary and ethmoid haemosinus*
- *Fracture both nasal bones*

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<sup>8</sup> Emphasis supplied.

<sup>9</sup> Emphasis supplied.

<sup>10</sup> Extracted from the status report filed in BAIL.APPLN. 443/2026. All status reports contain the same analysis.



- *Left preseptal laceration and haematoma.*<sup>11</sup>

15. The petitioners have also placed on record, the reply filed by the prosecution to the bail application of Kirtan Singh before the Sessions Court, in which it was stated as follows:

*“10. That during the course of the investigation, statement U/s 180 BNSS was recorded of one eye witness Tapan Kumar who is a manager in Divine farm, who has stated that one Sarदार who assaulted Gaurav with a glass alike knife on his face flew away in his Harrier Car no. DL 12 CB 2732 and hit on the main gate of the Divine Farm.*

*11. That the ownership of the this car No. DL 12 CB 2732 was ascertained which is found on the name of the present applicant/accused.*

**GROUNDS FOR OPPOSING BAIL:**

*a. The offence is grave and serious in nature, involving brutal assault, use of deadly and dangerous weapons, and life-threatening injuries, particularly to the eye of the injured Gaurav Tanwar.*

*b. The role of the applicant/accused Kirtan Singh is active and specific, and he is main assaulter who attacked on injured Gaurav.*

*c. Other co-accused persons are still absconding. and their arrest is pending. Grant of bail at this stage may hamper their arrest.*

*d. There is a strong apprehension of the accused tampering with evidence and Influencing witnesses, as the incident occurred in the presence of several staff members.*

*e. The investigation is at a crucial stage. and custodial presence of the accused is required for a fair and effective Investigation.”<sup>12</sup>*

16. As noted above, the Sessions Court granted anticipatory bail to Kirtan Singh by order dated 30.12.2025. Although the State has not challenged the aforesaid order, the order is under challenge before this Court at the instance of the complainant. I do not, therefore, propose to decide the applications of the present petitioners on the basis of parity

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<sup>11</sup> Emphasis supplied.

<sup>12</sup> Emphasis supplied.



with co-accused alone. However, the factual role attributed to each of the accused by the prosecution, as detailed in the above status reports, remains relevant.

17. It may be noted that, while denying bail to the present petitioners, the Sessions Court has observed as follows<sup>13</sup>:

*“After hearing the arguments and considering the record, this Court is of the view that **though, initial altercation which took place was sudden and not premeditated but it cannot be said that it was an incident involving two groups, as argued by Ld. Counsel for accused/applicant.***

*On perusal of CCTV footage, it is further clear **that injured Gaurav was though aggressive and was throwing things on the mob which had gathered but it is quite evident that at that time, he was alone and there were no other persons along with him and he was doing so in order to save himself. The said footage also revealed that the glass tubes were thrown upon him by one of the members of the group.**”<sup>14</sup>*

18. The material on record therefore *prima facie* suggests that there was a sudden and spontaneous quarrel. The medical opinion certainly shows permanent and grievous injuries inflicted upon one of the injured, a fracture to one of the other injured, and simple injuries to three others. Although the offence under Section 109(1) of BNS carries maximum sentence of life imprisonment, the other offences are punishable with a maximum of seven years imprisonment. Whether Gaurav was the first aggressor as suggested by the petitioners, and whether all the co-accused have formed a common intention, referable to the offence under Section 3(5) of BNS, remains a matter for consideration at the appropriate stage.

19. However, it is clear from the above material that the co-accused

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<sup>13</sup> Extracted from the order dated 07.01.2026, passed by the Sessions Court in the bail application filed by Rajveer Singh. All impugned orders passed by the Sessions Court contain the same analysis.

<sup>14</sup> Emphasis supplied.



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Kirtan Singh has been identified by the eyewitness Tapan Kumar, as the person who assaulted Gaurav with a glasslike knife. He left in a vehicle [bearing registration number DL-12-CB-2732], ownership of which has been traced to him. The status report in his case identifies him as the alleged "*main assaulter*", who attacked Gaurav. The order of the Sessions Court also mentions that "*one of the members of the group*" had thrown glass tubes upon Gaurav. While there is no CCTV coverage of the actual incident, and TIP was conducted by two of the injured other than Gaurav, Walayati Singh is identified only by his presence near the main gate of the banquet hall, and he was also named by Gaurav in his statement, as one of the assailants who attacked him with a candle stand. The other three petitioners are accused of having attacked Gaurav and other injured persons by an iron pipe [in the case of Rajveer], upon other employees or injured by an iron chair [in the case of Gurmeet], and upon other employees by punches and kicks [in the case of Gurucharan]. The direct attack upon Gaurav with the glass tubes is thus, *prima facie*, not attributed to them.

20. In view of the foregoing, at this stage, I do not consider the *prima facie* material on record and the role attributed to the present petitioners such as to justify their continued incarceration.

21. The petitioners have already been in custody for a period of approximately two months each. The prosecution has not clearly identified any aspect of pending investigation with which they may potentially interfere, except to state that other accused are yet to be apprehended. There is also no record with regard to prior criminal antecedents against any of the petitioners.



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#### **IV. CONCLUSION**

22. Having regard to all the above factors, I am of the view that the petitioners are entitled to bail in the facts and circumstances of the case.

23. It is therefore directed that the petitioners will be released on bail in connection with FIR No. 533/2025, dated 18.12.2025, registered at Police Station Maidan Garhi, subject to furnishing personal bonds in the sum of Rs.50,000/- each with one surety in the like amount, to the satisfaction of the Trial Court/Duty Magistrate, and subject to the following further conditions:

- A. The petitioners shall join investigation as and when required by the Investigating Officer [“IO”].
- B. The petitioners shall furnish their residential address to the IO and shall not change the same without prior intimation to the IO;
- C. The petitioners shall furnish their mobile number to the IO and shall ensure that the said mobile numbers remain operational and switched on at all times. The mobile numbers shall not be changed, nor shall the phones be switched off, without prior intimation to the IO;
- D. The petitioners shall not leave the country without permission of the Trial Court. If they are leaving the NCT of Delhi, they will inform the IO with details of their itinerary and the address at which they will be available.
- E. The petitioners shall not, directly or indirectly, influence the complainant or any witness, nor shall they tamper with the evidence in any manner whatsoever;
- F. The petitioners shall not commit any offence during the pendency



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of the proceedings.

24. The bail applications stand disposed of.

25. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail applications, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

26. It is also clarified that this order will not prejudice the rights and contentions of the parties in CRL.M.C 159/2026.

27. A copy of this order be communicated to the concerned Jail Superintendent for necessary information and compliance.

28. A copy of the order be given *dasti* under the signature of the Court Master.

**PRATEEK JALAN, J**

**MARCH 03, 2026**

*"Bhupi"/AD/*