



2026:DHC:5665



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

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Date of Decision: 16.07.2026+ **BAIL APPLN. 1885/2026**

ABID ALI @ AABI

.....Petitioner

Through: Mr. Ankit Tandan, Advocate (*through videoconferencing*).

versus

THE STATE (GOVT. NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State with SI Anil (*through video conferencing*).

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+ **BAIL APPLN. 2545/2026**

FURKAN

.....Petitioner

Through: Mr. Abdul Gaffar, Advocate (*through videoconferencing*).

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State with SI Anil (*through video conferencing*).**CORAM: JUSTICE GIRISH KATHPALIA**



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JUDGMENT (ORAL)

1. The accused/applicants Abid Ali and Furkan seek regular bail in case FIR No. 534/2025 of PS Seemapuri for offence under Section 115(2)/126(2)/304(2)/317(2)/109/74/191(1)/191(2)/190 of BNS. The factual matrix being common, I have heard both these applications together for disposal by way of this common judgment.

2. Broadly speaking, the prosecution case is as follows. On 04.07.2025 at about 06:30 pm, the complainant *de facto* and his colleague, claiming themselves in the FIR to be “*from media*” were engaged in recording at an unauthorized colony in Seemapuri. At that time, they were assaulted by few residents of the area. One child came out of the crowd and pulled hair of the complainant *de facto* and his colleague. Thereafter, some ladies and “*few 18 year old children*” beat them up. One of the persons from the crowd snatched their camera battery and mobile phone. Some of the persons from the crowd damaged their motorcycle also. On the basis of these allegations, the local police registered the FIR on the next day, i.e., 05.07.2025.

3. On 13.05.2026 during the first hearing before this Court, the prosecution side alleged that when those two reporters boarded a bus in order to save themselves, the mob, including the present accused/applicant, entered the bus and started assaulting the reporters. During the said hearing, the Investigating Officer/SI Virender Kumar showed me a video footage of



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the entire alleged incident and stated that the accused/applicant Abid Ali is clearly depicted in the video footage as one of the assailants, who even entered the bus after the press reporters had boarded the same to save themselves.

4. The status report filed by the Investigating Officer is not in consonance with the directions in order dated 13.05.2026. The Investigating Officer/SI Virender Kumar has not appeared as he is on leave. Despite repeated directions of this Court and even directions of the concerned DCPs, the Investigating Officer being on leave, the SHO has not appeared personally with record and has opted to just send SI Anil, who is not aware about complete facts of this case. I am conscious that lawyers are on strike. But neither the judges nor the police are (*nor can be*) on strike. Even as regards lawyers, despite being on strike, some of the lawyers and all learned prosecutors attached with this Court, keeping in mind the liberty of citizens, have kindly appeared through videoconferencing. Such failure on the part of investigating agency to effectively assist the court even in bail matters is not acceptable.

5. Be that as it may, I have heard learned counsel for both accused/applicants as well as learned APP for State.

6. On behalf of accused/applicant Abid Ali, it is submitted by learned counsel that he never entered the bus and statement of the Investigating



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Officer to that effect was false. When the said video footage was played again in Court today, learned counsel for accused/applicant Abid Ali pointed out from the footage that he is wearing a black t-shirt and is being pulled away from the crowd by his mother wearing a yellow suit. It is contended that the accused/applicant Abid Ali is not one of those who entered the bus. Besides, it is also submitted that the complainant and his colleague were not from any formal media house but were only freelancing for a YouTube channel by creating sensation. Further, learned counsel for accused/applicant Abid Ali takes me through paragraph 10 of his bail application, pointing out that in response to bail application of the accused/applicant Abid Ali, the Investigating Officer filed a false status report, alleging that the accused/applicant is involved in FIR No. 392/2023 of PS Seelampur, whereas the accused/applicant was never involved in that case.

7. Learned counsel for accused/applicant Furkan submits that the accused/applicant was not even present at the time of the alleged incident, neither in the bus nor in the crowd outside the bus. It is also submitted that before the Court of Sessions, the Investigating Officer falsely alleged that Furkan is the person seen in white shirt and pulling one of the complainants out of the bus whereas according to the chargesheet, Furkan was wearing a brown t-shirt. Learned counsel for accused/applicant has also taken me through MLC of the injured, which reflects only “mild abrasions”.



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8. Learned APP for State expresses anguish that the Investigating Officer and the SHO concerned have not briefed him properly. In all fairness, learned APP for State admits that nobody can be simply dumped in jail without the investigating machinery following up the matter in Court. On merits of these applications, learned APP for State submits that since the accused/applicants assaulted press reporters, even at the stage when the press reporters were trying to flee away from mob, they deserve no bail. Learned APP for State explains that the video footage played in Court is only of a short period and does not cover the assault by mob prior to the complainant entering the bus. Learned prosecutor strongly emphasises that such assault on freedom of press must be dealt with sternly.

9. Admittedly, four co-accused persons out of the mob have already been released on bail. The present accused/applicants are in custody since 05.07.2025.

10. So far as the submission of learned APP for State that the video clip played pertains to only a short duration when the complainant entered the bus, and not the period prior thereto, nothing prevented the Investigating Officer to collect from the complainant, the video footage of the recordings which the complainant and his colleague were doing prior to their entering the bus.

11. Even as regards the accused/applicants being depicted in the video



footage entering the bus, which was claimed on last date by the Investigating Officer, today it appears that the said claim was false. As reflected from above submissions, prosecution is not even certain about identity of the accused/applicants in the sense that in the status report filed before the Court of Sessions, the Investigating Officer took a stand that the accused/applicant Furkan is the person wearing a white shirt as depicted in the video footage, whereas in the chargesheet, the Investigating Officer took a stand that Furkan is the person wearing a brown t-shirt.

12. It is on such material that the accused/applicants are languishing in jail for past almost one year and trial is yet to commence. And to add to it is the abovementioned lackadaisical approach of police in contesting these bail applications. The accused/applicants cannot be kept in jail endlessly.

13. Then comes the argument of prosecution that the assault on the complainant and his colleague was assault on freedom of press. Learned APP, as mentioned above, does not deny that accused/applicants were not from any accredited news agency but were freelancing for a YouTube channel in the area. Despite sensitivity of the issue, the complainant apparently opted not to take the local police into confidence before starting their venture, though that cannot at all justify attack on them by the agitated locals. But the larger issue, as raised by prosecution side, being that the assault on the complainant was assault on freedom of press, I have deliberated upon this aspect.



13.1 Freedom of press is an indispensable pillar of every democratic society. However, in recent years, with rapid proliferation of social media and digital platforms, a significant section of the media has become largely unregulated and unorganized. Today, virtually anyone armed with a mobile phone and a microphone can proclaim themselves to be a “reporter”, often without any journalistic training, ethical grounding, or accountability.

13.2 It has become increasingly common for such self styled reporters to aggressively thrust microphones at citizens, demanding instant responses. When the person chooses to remain silent or refuses to comment, which is a right of every citizen, the so called reporter often turns to the camera and declares that the individual is evading questions. Such conduct creates misleading public narrative and generates unwarranted public pressure.

13.3 Equally disturbing is the tendency of some media actors to target or malign a particular social group through selective reporting, sensationalism or unverified allegations. Such conduct has the potential to deepen social divisions, inflame passions and, at times, even trigger communal disharmony or public disorder. The media must recognize that with the power to shape public opinion comes an implicit attendant duty to exercise restraint, fairness and responsibility.

13.4 Of course, the freedom of press must remain zealously protected. But, it cannot become a shield for irresponsible journalism, intimidation or the



dissemination of content that jeopardizes public order. The time has come for the legislature to consider an appropriate regulatory framework that preserves freedom of press, while ensuring professional accountability, ethical standards, and respect for the rule of law, the rights of citizens and the larger public interest.

13.5 Analyzed against the above backdrop, what appears in the present case is that the complainant and his colleague were recording some video as regards a place of worship in the area, allegedly constructed unauthorizedly. That apparently agitated the local residents and they attacked the complainant and his colleague. It was apparently a mass fury and as mentioned above, involvement of the present accused/applicants in the alleged assault remains a grey area.

14. However, I must add a cautious rider that the above observations have been recorded keeping in mind the limited purpose of grant or denial of bail. At the stage of conclusion of trial, the learned trial court shall obviously take a final decision strictly on the basis of evidence adduced, without getting in any manner influenced with the above observations.

15. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicants. Therefore, both these bail applications are allowed and accused/applicants are directed to be released on bail subject to each of them furnishing a personal bond in the sum of



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Rs.10,000/- with one surety each in the like amount to the satisfaction of the Trial Court. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicants.

**GIRISH
KATHPALIA**

Digitally signed by GIRISH KATHPALIA
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**GIRISH KATHPALIA
(JUDGE)**

JULY 16, 2026/dr/as