Bail Matters 2847/2026
STATE OF DELHI Vs. SHUBHAM TYAGI
FIR No. 153/2026
PS South Campus
U/sec 105/290/125(a)/115(2)/324(2)(4)/3(5) BNS
CNR No. DLND01-012093-2026

23.11.2026

This is first application under section 483 BNSS for grant of regular bail moved on behalf of accused/applicant Shubham Tyagi.

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
Sh. Hemant Shah, Sh. Neeraj Kanwar, Sh. Vishal Mann, Ms. Ankita Gautam and Sh. Mayank Rana, Ld. Counsels for accused/applicant.
IO Inspector Narendra Kumar is present.

Reply to the application already filed. Copy supplied.

ARGUMENTS ON BEHALF OF ACCUSED/APPLICANT

1. It is argued on behalf of accused/applicant that accused/applicant has been falsely implicated in this case and he is in JC since 11.09.2026. It is further argued that present FIR arises out of unfortunate incident of the collapse of a building situated at Satya Niketan, New Delhi on 06.09.2026 which resulted in the tragic loss of seven lives, comprising of five students and two labourers. It is further submitted that basement and ground floor of the building were in exclusive control and possession of owner, upper ground floor and first floor were leased to one Sudhanshu to

run a boy's PG and second floor and third floor of the property was leased to accused/applicant to run a boys PG. It is further submitted that accused/applicant is an advocate by profession and apart from professional vocation, he is also engaged on a part time basis, in the business of running a boy's PG in partnership with one Sudhanshu. It is further submitted that applicant was merely a tenant in respect of second and third floors and has neither been entrusted with nor conferred any authority under the Rent Agreement to undertake structural alterations or modifications to the building. It is further argued that IO has ignored the role of another tenant namely Brahma, who had taken a shop on rent from the owner's son namely co-accused Mahesh Gupta on the ground floor and was also allegedly carrying out construction activities in the said shop on the date of incident. It is further argued that investigation against accused/applicant has already been completed, charge sheet has already been filed and no useful purpose would be served in keeping accused/applicant in custody. Hence, it is prayed that accused/applicant be released on bail as he is ready to abide with any condition imposed by the court.

1.1 Ld. Counsel has relied upon **Matin Shankarrao Bhosale & Anr. Vs. State of Maharashtra, Abdul Shaikh Vs. State of Maharashtra Criminal Bail application No. 850/2014, Baldev Raj Kapur Vs. State 2009 (108) DRJ 520, Sanjay Chandra Vs. CBI (2012) 1 SCC 40, Sanjay Badaya Vs. State of Rajasthan 2026 SCC OnLine SC 2022, P. Chidambaram Vs. CBI (2020) 13 SCC 337, Dr. Shivendra Mohan Singh Vs. Directorate of Enforcement 2020 SCC**

OnLine Del 766, Taranjeet Singh Vs. State Bail Application No. 38/2022, State of Madhya Pradesh Vs. Sheetla Sahai and Ors. (2009) 8 SCC 617, Parvinder Singh Vs. Central Bureau of Investigation 2025 SCC Online Del 294, Raman Bhuraria Vs. Directorate of Enforcement (2023) 4 HCC Del 197, Dajya Moshya Bhil and Ors. Vs. State of Maharashtra 1984 SCC Online SC 299, Aniket Kumar Gupta VS. Government of NCT of Delhi & Ors. W. P. (Crl.) No. 2752/2026 and Alister Anthony Pareira Vs. State of Maharashtra (2012) 2 SCC 648 to fortify his arguments.

ARGUMENTS ON BEHALF OF STATE

2. On the other hand, Ld. Addl. PP for the State has vehemently opposed the bail application stating that as per reply filed by IO, on 06.09.2026, at about 01:34 PM, a PCR call vide DD No. 20A was received at PS South Campus, New Delhi, regarding the collapse of a building at Shop/Building No. 14, Hostel Daze (PG), Satya Niketan New Delhi. Upon receipt of the information, the Police staff immediately reached the spot and found that the building had completely collapsed and crowd had gathered at the spot. Information was received that some persons might be trapped underneath the debris. The premises was reportedly being used as a PG/hostel accommodation for male students. Rescue operations were immediately commenced with the assistance of Fire Brigade, NDRF/rescue teams, Civil Defense, District Crime Team and ambulance services. Several persons were rescued from the debris and shifted to AIIMS Trauma Centre, Safdarjung Hospital and other

hospitals for medical treatment. Some persons were also found dead. Information regarding the deceased and injured persons was duly recorded at the Police Station.

2.1 During the preliminary inspection, it was noticed that an old/existing building had been subjected to additional construction/structural changes in the basement and upper stories, without obtaining permission from concerned competent government authorities. Construction/structural alteration allegedly increased the load on the existing structure and affected its load-bearing capacity. The preliminary facts indicate that the building collapsed due to excessive structural load and/or weakening of the existing structure, thereby endangering human life and resulting in casualties. Accordingly, a case FIR No. 153/26 dated 06.09.2026 under Sections 105/290/125(a) BNS was registered.

2.2 During the rescue operation and investigation, teams from the FSL, NDRF, CAT Ambulance and other concerned civil agencies reached the spot. The injured persons trapped under the debris were rescued and shifted to hospitals. Total twelve male persons were rescued from the debris, out of which seven persons were declared brought dead, whereas remaining five injured persons were undergoing treatment and two are still hospitalized.

2.3 During the course of investigation, on 07.09.2026, three accused persons, namely Urmila Gupta, W/o Hari Ram Gupta, Hari Ram Gupta, S/o Sh. Murari Lal Gupta and Mahesh Gupta @ Sanjay, S/o Hari Ram Gupta were arrested. As per the documents collected during investigation, the collapsed building was owned by

accused Urmila Gupta, whereas the electricity and Jal Board connections were in the name of accused Hari Ram Gupta. It was further revealed that approximately 10-12 days prior to the incident, accused Hari Ram Gupta, Urmila Gupta and their son, accused Mahesh Gupta @ Sanjay, had jointly commenced construction/structural alteration/modification/repair work in the collapsed building, without obtaining permission or approval from the competent authorities. It was further revealed that accused Mahesh Gupta, along with his mother and father, had engaged an unprofessional and unqualified *Rajmistri*/contractor, namely accused Sanoj, for carrying out the said work. On 09.09.2026, two more accused persons, namely accused Sanoj (*Rajmistri*/contractor) and accused Sudhanshu Lovenish Kumar (PG operator) were arrested.

2.4 On 11.09.2026, accused/applicant Shubham Tyagi (PG operators) surrendered before the Hon'ble Court at Patiala House Courts. Before surrender, accused Shubham Tyagi had filed an anticipatory bail application before the Ld. ASJ, Patiala House Courts, New Delhi which was dismissed vide order dated 10.09.2026. Accused/applicant was interrogated and was formal arrest.

2.5 During investigation, it was further revealed that accused Sanoj had engaged two unqualified laborers for carrying out the repair/structural modification work. He also failed to take adequate safety precautions during the repair/modification work carried out in the old building and he as well as owner of the

property failed to obtain the opinion of any qualified architect/structural expert before undertaking the said work.

2.6 During investigation, it was revealed that PG operators/accused persons Shubham Tyagi (applicant) and Sudhanshu Lovenish Kumar had taken the collapsed building on rent from accused Urmila Gupta and her family through a rent agreement for running a Paying Guest (PG) accommodation for boys vide rent agreement dated 06.09.2025. Thereafter, accused Shubham Tyagi and Sudhanshu Lovenish Kumar started running a PG accommodation for boys under the name "Hostel Daze." Investigation has further revealed that the accused persons took the premises on rent, without obtaining proper verification regarding the structural safety/design of the building. They failed to take appropriate precautions, despite construction/alteration/structural work being carried out in the building. It is further revealed that the accused persons failed to take adequate safety measures for the PG residents and did not take appropriate precautions to warn or guide them regarding the potential danger arising from the ongoing construction/structural work.

2.7 During investigation, statement of Nitish Chhib (injured/student who was staying in the paying guest house) was recorded wherein he alleged that the construction work had been going on in the basement for about 10-12 days. When he complained about the noise, both co-accused Sudhanshu and present applicant Shubham Tyagi told him that renovation work was taking place in the basement. Iron rods were being cut on the ground floor,

and when he and other students raised objection, both the accused threatened that they would have to vacate the paying guest facility, and the construction work continued.

2.8 It is further submitted that allegations against accused/applicant are serious in nature. Hence, it is prayed that present application may be dismissed in the interest of justice.

3. Submissions heard. Record perused. I have also gone through the case laws relied upon by Ld. Counsel for accused/applicant.

FINDINGS/CONCLUSION

4. Allegations against accused/applicant are serious in nature. He alongwith co-accused Sudhanshu Lovenish Kumar had taken the collapsed building on rent from co-accused Urmila Gupta and her family vide rent agreement executed on 06.09.2025. Thereafter, they started running a PG accommodation for boys under the name “Hostel Daze” without proper verification regarding the structural safety/design of the building. They failed to take appropriate precautions despite construction/alteration/structural work being carried out in the building, safety measures for the PG students and did not take appropriate precautions to warn or guide them regarding the potential danger arising from the ongoing constructions/structural work. Injured Nitish Chhib and other students raised complained about about the illegal construction, accused persons threatened that they would have to vacate the

paying guest facility and the construction work was continued and the fact that maintenance of the building was not being carried out.

4.1 It is argued on behalf of accused/applicant that he was not responsible for the construction as he had no control over it. But the fact remains the same that he was in occupation and control of the property after executing rent agreement with co-accused persons. If construction work was not under his control and not on his instructions then he was duty bound to get the property vacated from occupants till the time construction was going on. He was duty bound to take care of the safety of the innocent students by informing about the threat in the said property on account of such illegal construction. I am not in agreement with Ld. Counsel that accused had no role to play in the incident as prima facie he was running a PG for students. He could have easily foresee the danger on account of illegal construction activities but he prioritized his financial benefits above the life and safety of innocent students/labours.

4.2 It is admitted fact that accused is a qualified legal professional and he is well aware about the law and rules to be followed while running a PG but he did not follow the rules in his pursuit to run the PG for the students. Since accused was duly aware about the law of land then it is to be presumed that he comprised the safety of the building and its occupants in utter violation of law. The judicial notice to the fact can be taken that every now and then human life are being lost on account of building collapse due to the illegal construction activities. Granting bail to an accused is a

discretion which needs to be exercised by the court after striking the balance between the personal liberty of the accused and larger interest of the society. The accused persons, who are responsible for the loss of 7 valuable lives, are not entitled for the benefit of discretion and such incidents must be dealt with by the courts of law with an iron hand. The court cannot turn blind eyes towards the fact that seven valuable lives have been lost and the impact of their death would be everlasting on their families.

4.3 In **Varinder Kumar Vs. State of Himachal Pradesh, AIR ONLINE 2019 SC 570,** it has been observed by Hon'ble Supreme Court of India as under:

> *"12. Individual rights of the accused are undoubtedly important. But equally important is the societal interest for bringing the offender to book and for the system to send the right message to all in the society —be it the law abiding citizen or the potential offender. 'Human rights' are not only of the accused but, extent apart, also of the victim, the symbolic member of the society as the potential victim and the society as a whole.*
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> *13. Law has to cater to wide variety of situations as appear in society. Law being dynamic, the certainty of the legislation appears rigid at times whenever a circumstance (set of facts) appears which is not catered for explicitly. Expediency then dictates that the higher judiciary, while interpreting the law, considers such exception(s) as are called for without disturbing the pith and substance and the original intention of the legislature. This is required primarily for the reason to help strike a balance between competing forces – justice being the end – and also because the process of fresh legislation could take a long time, which would mean failure of justice, and with it erosion of public confidence and trust in the justice delivery system."*

The case law relied upon Ld. Counsel for the accused/applicant is not applicable to the present case being

distinguishable on facts and moreover, granting bail is a discretion which is to be exercised by the Court as per facts and circumstance of each case.

4.4 In **Mansab Ali Vs. Irsan and Anr. 2003 SC 707**, it has been held by Hon'ble Supreme Court that since the jurisdiction is discretionary, it is required to be exercised with great care and caution by balancing valuable right of liberty of an individual and the interest of the society in general.

4.5 In view of the above facts and circumstances of the case, trial is at initial stage and public witnesses are yet to be examined and there is every likelihood that accused/applicant may threaten the witnesses, if released on bail, **I am of the considered view that no ground is made out for grant of bail to accused/applicant Shubham Tyagi. Therefore, the application moved on behalf of the accused/applicant Shubham Tyagi stands dismissed.**

Nothing stated above herein shall tantamount of any expressions on the merits of this case.

Pursuant to directions issued by Hon'ble Supreme Court of India in SMWP (Criminal) No. 4/2021 titled as In Re Policy Strategy for Grant of Bail as well as in compliance of judgment titled as Ajay Verma Vs. State, copy of this order be sent to Jail Superintendent through e-mail.

Copy of this order be given dasti as prayed for.

(Dhirendra Rana)
ASJ-05/PHC/New Delhi
23.11.2026