

## Section 187 BNSS exempts the interim bail term from the police detention time limit: Delhi High Court

*The court was considering a case in which a trial judge had shortened medical bail given to an accused person after the police expressed worries that it would reduce the amount of time allowed for in-custody questioning.*

The Delhi High Court has made it clear that the time frame allotted by criminal procedural law for the police to finish an investigation—after which an arrested person is entitled to be released from custody on default bail—does not include the duration of interim bail granted to an accused person [Neeraj Kumar v. State NCT of Delhi].

*The judge noted this in a case where a trial judge had shortened an accused person's medical bail after the police expressed worries that it would interfere with the amount of time allowed for in-custody questioning.*

Justice Prateek Jalan reinstated the temporary bail in a February 11 ruling.

*The Court determined that only the days an accused person actually spends in jail are taken into account under Section 187(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which places restrictions on how long police can detain someone while conducting an investigation. This calculation excludes time spent out on temporary or interim bail.*

The Court stated that it respectfully agreed with the Kerala High Court's conclusion in Faisal PJ v. State of Kerala that only the time spent in actual custody would be taken into account while calculating time under Section 187(2) of the BNSS.

The case involved Neeraj Kumar, who was taken into custody on November 21, 2025, on suspicion of killing a woman by shooting her at her home on November 15 and then attempting to shoot himself. The following day, he was taken into judicial custody.

***Since he was still recuperating from a gunshot wound to the chest and pulmonary TB, which restricted his mobility and resulted in persistent health issues, a sessions court granted him temporary bail on medical grounds on December 18.***

But later, the sessions court ordered him to turn himself in sooner and decreased his bail time.

His health had improved, he could walk around, and police custody was required to carry out the inquiry, it reasoned.

Kumar went to the High Court to contest this ruling.

***The High Court pointed out that before Kumar was given temporary bail, he had already been detained for 28 days. Even after his eight-week release, the authorities still had 32 days to question him in custody because the offense warrants a life sentence.***

As a result, it decided that there was no need to shorten the bail duration.

The Court further stated that the appropriate police detention duration would not be impacted by the interim bail period.

***"There was no reason to believe that if the applicant stayed on temporary bail for medical reasons, the prosecution's window for requesting detention in police custody would expire. For properly interpreted, the aforementioned time frame would be completely disregarded for determining the amount of time that can be spent in police custody under Section 187(2) of the BNSS," the statement stated.***

The Court also emphasized why bail is granted for medical reasons.

The fact that the accused's health had somewhat improved and that he could walk around was not enough to take away the freedom that had previously been granted to him. Giving the accused a chance to recover is the primary goal of granting bail on medical grounds, the

Court said.

In light of the sessions court's requirements, the court reinstated the initial eight-week interim bail.

***Kumar (accused) was represented by advocates Alok, Smriti Walia, Dhananjay Mittal, Shivam, Aanchal Budhiraja, Mayank Deswal, and Arjan Verma.***

Additional Public Prosecutor Hitesh Vali represented the State.

***Advocates Shreedhar, Sukrit Seth, Radhika Yadav, and Ananya Sharma supported Senior Advocate Dayan Krishnan in his appearance as Amicus Curiae.***