





reproduced below:-

“It is a humble request that I am Ravi Satija, son of Harbhajan Satija, resident of 115 Jahangirpuri Delhi 110033 and I work in selling dry fruits from Delhi to Gurugram. I had gone to Gurugram on 27/5/23 to sell dry fruits like almonds, walnuts, cashew nuts and in the evening I started selling my dry fruits liquor by sitting near English Liquor Vend Near Indian Petrol Pump. At 9.30 o'clock, an auto rickshaw came in which there were two or three boys who were shouting to go to IFFCO Chowk. I also started sitting in the auto to go to IFFCO Chowk, then one started abusing and the other started hitting me. I asked why. You are beating me, what mistake have I done? All three of them together kicked and punched me in my stomach and while leaving said that if I am seen here again, they will kill me. When I had a severe stomach ache, I slept there and whenever I had a stomach ache, I used to take stomach ache pills which gave me relief. On 20/06/2023, I had severe stomach pain and blood came in the stool, so I went to the hospital. Got admitted for treatment in Stephens Hospital and I have written my complaint. Please take legal action. SD-Ravi Satija Mob No. 8860733383”.

3. Learned counsel for the petitioner contends that in the present case, the alleged occurrence had taken place on 27.05.2023. The petitioner was neither named in the FIR nor was he identified by the complainant nor the police had been able to gather any credible and clinching evidence against the petitioner, which would link the petitioner, with the alleged offence. Still further, the injuries were allegedly caused to the deceased on 27.05.2023, but he got himself admitted in the hospital on 21.06.2023, after a long delay. Even as



per the medical record, the complainant was fit for making statement on 21.06.2023, but the FIR was got registered by the complainant on 26.06.2023 after due deliberations. Even in the said FIR, no allegation was levelled against the present petitioner or his co-accused. Learned counsel further contends that during the course of treatment, the injured was referred to Sir Gangaram Hospital, Delhi on 28.06.2023, where he died due to septic shock on 26.07.2023 i.e. 60 days after the alleged incident and 28 days after being referred to Sir Gangaram Hospital, Delhi.

4. Learned counsel further contends that during the course of investigation, the statement of Constable Sandeep was recorded on 29.06.2023 under Section 161 Cr.P.C, wherein, he stated that they had made enquiries at the scene of the alleged incident and checked the CCTV cameras in the vicinity, but no evidence was found. Still further, the statements of various witnesses were recorded, but no evidence was found against the present petitioner. During the course of investigation, the police has alleged to have arrested Ranjit Kumar Yadav, co-accused and he allegedly suffered a disclosure statement on 16.08.2023. Even the petitioner was arrested on the basis of statement made by the co-accused in police custody and the recovery of Rs.1120/- was shown from the petitioner in the present case. Learned counsel further contends that the petitioner was arrested in the present case on 06.11.2023 and is in custody for the last more than one year and one month. Still further, the petitioner was never involved in any other criminal activity.

5. On the other hand learned State counsel has vehemently opposed



the submissions made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail. Still further, learned State counsel has specifically referred to para 10 and 12 of the status report and the said paragraphs have been reproduced below:-

10. That the complicity of the petitioner is writ large in the commission of the present crime. His complicity had been duly spelt out by the arrested co-accused Ranjit Kumar Yadav. As per investigations, the petitioner alongwith the co-accused Bhuvneshwar had apprised Ranjit Kumar that they used to snatch money and mobiles from the passersby in the evening after dark and used to enjoy it and thereafter Ranjit also agreed to join their league and thereafter on 27.05.2023, all the three accused had boarded on Auto and thereafter, they had been involved in an altercation with the deceased and thereafter the deceased had been thrashed by them and the mobile phone alongwith Rs.8,000/- belonging to the deceased had been snatched by them. The petitioner had got an amount of Rs.3500/-, whereas the co-accused Bhuvneshwar had got Rs.3500/- and accused Ranjit Kumar had taken Rs.1000/- alongwith the snatched mobile. The deceased had succumbed to the injuries inflicted upon him by the petitioner and the co-accused.

12. That in the event of being granted the concession of bail, the petitioner may very well flee from justice or may dissuade the witnesses from disclosing the truth. Given the totality, there are no circumstances which may warrant the grant of concession of regular bail to the petitioner and thus this being so, the present petition is liable to be dismissed, being devoid of any merits.



6. I have heard the learned counsel for the parties and perused the record carefully.

7. As per the case of the prosecution, the occurrence had taken place on 27.05.2023 and the injured was admitted in the hospital for the first time on 21.06.2023 and there is no evidence regarding the treatment between the period from 27.5.2023 to 21.6.2023. Still further, Ravi Satija, injured was referred to Sir Ganga Ram Hospital on 28.06.2023, where he underwent some further surgical treatment. The injured died due to septic shock on 26.07.2023 in Sir Ganga Ram Hospital, Delhi i.e. 60 days after the alleged incident and 28 days after being referred to Sir Gangaram Hospital, Delhi. Thus, the prosecution is yet to lead evidence before the Trial Court to show that the injured had died due to injuries, suffered by him in the incident dated 27.05.223. Further, the petitioner is stated to be in custody since 06.11.2023 and the prosecution has not been able to record any material to show that the petitioner is in a position to influence the witnesses of the prosecution.

8. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

9. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

13.12.2024
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No