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

+ **BAIL APPLN. 131/2024**

PAWAN

..... Applicant

Through: Mr. M.L. Yadav & Mr.
Aditya Kaushik, Advs.

versus

STATE (N.C.T OF DELHI)

..... Respondent

Through: Mr. Utkarsh, APP for the
State with SI Johny Kr.,
PS Uttam Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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31.01.2024

1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No. 626/2023 dated 27.10.2023 under Sections 307/34 of the Indian Penal Code, 1860 registered at Police Station Uttam Nagar.
2. The FIR was registered pursuant to a complaint given by the victim Shivam on 27.10.2023 alleging that he was beaten by the applicant and the other co-accused persons
3. It is alleged that, on 26.10.2023, when the complainant was going to his house, the applicant and other co-accused persons asked him to bring some articles for him and on refusal, they all started beating him.
4. It is alleged that, while beating the complainant/ victim, the applicant caught hold of him and one co-accused person Raju pulled out a knife and stabbed him. The knife was then allegedly taken by Raju's brother who also stabbed him.

BAIL APPLN. 131/2024

Page 1 of 3



5. It is further alleged that all the accused persons, including the applicant stabbed the complainant/ victim with the intention to kill him.

6. The learned counsel for the applicant submits that the victim and the accused persons live in the same area and are known to each other. He submits that a minor altercation took place between the complainant/ victim and the accused persons. However, no stab injuries were inflicted.

7. He further submits that the alleged knife has also not been recovered till date. The chargesheet in the present case has already been filed.

8. It is not denied that the injuries suffered by the victim were simple in nature.

9. The prosecution has placed nothing on record, to show that the victim was hospitalized for a long period of time due to injuries suffered by him.

10. The applicant is stated to be a young boy of 19 years of age, and has no antecedents. This is probably the first time he has allegedly indulged into the alleged activities.

11. Since the investigation in relation to the applicant is already complete and the chargesheet has already been filed, no useful purpose would be served by keeping the applicant in further incarceration. The applicant is a young boy of 19 years of age belonging to the pool *strata* of society. Prolonged incarceration is bound to cause inexorable harm to the mental well being of an impressionable mind of such a young individual.

12. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court / Duty MM / Link MM on

BAIL APPLN. 131/2024

Page 2 of 3



the following conditions:

- a. He shall join and cooperate in further investigation as and when directed by the concerned Investigating Officer ;
- b. He shall under not leave the boundaries of the National Capital Region without informing the Investigating Officer;
- c. He shall appear before the learned Trial Court on every date of hearing;
- d. He shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- e. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever.

13. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by way of seeking cancellation of bail.

14. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

15. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

JANUARY 31, 2024
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BAIL APPLN. 131/2024

Page 3 of 3