



\$~5

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

+ **BAIL APPLN. 1358/2024**

SONU

.....Petitioner

Through: Mr. Manoj, Mr. Dhaneshwari, Mr.
Balram Sharma, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State
and SI Ajay Kumar, PS Aman Vihar.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

06.11.2024

1. The present petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No. 532/2023 under Section 307/506/34 IPC and 25/27 Arms Act registered at PS Aman Vihar.
2. Briefly stating the case of the prosecution is that on 04.10.2023 the petitioner along with the co-accused Monu and Suraj stabbed Avinash Kumar on the left side of the stomach causing grievous injuries. The complainant and his wife namely Anjali runs a stationary shop nearby his house and on 04.10.2023 at 12:30 PM one boy namely Sonu who lives near his house was quarrelling with his wife and when the complainant intervened Sonu started using abusive language to him and along with his friends attacked him with a knife. Thereafter, Sonu fled from the spot.
3. Learned counsel for the petitioner submits that PW Avinash has not supported the case of the prosecution and has been declared hostile. It



has further been submitted the PW Anjali though in the examination in chief stated that Sonu had given knife blow to her husband but in the cross-examination stated that she had not seen when her husband was stabbed. Learned counsel submits that petitioner is in custody for last around one year and the trial may take long time, therefore the petitioner may be released on bail.

4. Learned APP for the State has opposed the bail on the ground that the petitioner had stabbed at a vital part of the body and caused grievous injury. It has further been submitted that there is a substantial gap of around five months between the examination-in-chief and the cross-examinations conducted. Learned APP submits that as per record on 24.05.2024 when PW-1 Anjali was examined she supported the case of prosecution but during the cross-examination on 08.10.2024 she did not support the case. Learned APP for the State further submits that the petitioner is also involved in other cases:
 - a. FIR No. 264/2020 registered at PS Prem Nagar under Section 307IPC and 25/54/59 Arms Act;
 - b. FIR No. 476/2020u/s 323/308/34 IPC registered at PS Aman Vihar; and
 - c. FIR No. 460/2022 under Section 324/34 IPC registered at PS Aman Vihar.
5. Learned counsel for the petitioner submits that the petitioner has already been admitted to bail in the above cases.
6. The law in regard to grant or refusal of bail is very well settled. The Court at the stage of the bail is only to see the prima facie case and is not required to meticulously appreciate the evidence of the prosecution.



The petitioner in the present case has been in custody for last around one year. It is not disputed that the petitioner has been admitted to bail in the above cases as referred to by the learned APP for the State.

7. In view of the above facts and circumstances, the petitioner is admitted to regular bail in case FIR No. 532/2023 under Section 307/506/34 IPC and 25/27 Arms Act registered at PS Aman Vihar. on furnishing a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the verification of address and subject to the following further conditions:
 - a. the petitioner shall regularly appear before the IO/trial court as and when directed;
 - b. the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
 - c. the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;
 - d. In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
8. In view of the above, the present bail application stands disposed of.
9. Copy of this order be sent to the concerned Jail Superintendent for necessary compliance and information.

DINESH KUMAR SHARMA, J

NOVEMBER 6, 2024/AR/Smg..