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

+ BAIL APPLN. 1870/2024&CRL.M.A. 16445/2024

RAJ KUMAR

.... Applicant

Through: Mr. Subhash Solanki,
Advocate (Through V.C.).

Versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State alongwith
Ms. Chavi Sood, Ms.
Simranjeet Kaur, Ms. Rishita
Sharma & Mr. Pawan
Kamra, Advocates & ASI
Rakesh (P.S. Pul Prahlad
Pur).

+ BAIL APPLN. 1854/2024

TEJBIR @ BHOLA

..... Applicant

Through: Mr. Abhay Bhati, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State alongwith
Ms. Chavi Sood, Ms.
Simranjeet Kaur, Ms. Rishita
Sharma & Mr. Pawan
Kamra, Advocates & ASI
Rakesh (P.S. Pul Prahlad
Pur).



CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
27.05.2024

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1. The present applications are filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No.100/2024 dated 06.03.2024 registered at police station Pul Prahalad Pur for offence under Sections 307/34 of Indian Penal Code, 1860.

2. The FIR was registered on a complaint made by Chanchal/complainant alleging that the applicants in connivance with each other had stabbed the victim, namely, Jai Kumar. It is further alleged that the applicants dragged and attacked him with intention to kill, leaving the victim grievously injured.

3. The applicants were arrested on 07.03.2024 and the chargesheet in the present case has already been filed.

4. It is not denied that the applicants and the victim/Jai Kumar have entered into a Memorandum of Understanding and have compromised/settled all their disputes. Another petition being CRL.M.C. 3760/2024 has been filed by the applicants for quashing of the FIR No. 100/2024 wherein, the victim had given a statement that she has settled with the applicants and does not wish to pursue any proceedings arising of the present FIR.

5. The learned counsel for the applicants submits that the parties are neighbours and have known each other for the last more than nine years.

6. He submits that the altercation took place between the parties due to some misunderstanding which has since been resolved with the intervention of well-wishers, friends, and neighbours, without



any threat, pressure, inducement and coercion.

7. Since the chargesheet has already been filed and the victim does not wish to pursue the proceedings arising out of the present FIR, this Court is of the opinion that the applicants are no longer required for custodial interrogation.

8. The object of jail is to secure the appearance of the accused persons during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment without the guilt being proved. The applicant cannot be made to spend the entire period of trial in custody especially when the trial is likely to take considerable time.

9. Since the victim has already settled the matter, and reached a compromise with the applicants, there is no likelihood that the applicants will influence witnesses or tamper with the evidence.

10. In view of the above, the present applications are allowed and the applicants are directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- each with two sureties of the like amount, subject to the satisfaction of the learned Trial Court/ Duty MM / Link MM, on the following conditions:

- a. The applicants shall provide their addresses where they would be residing after the release and shall not change the address without informing the concerned IO/ SHO;
- b. The applicants shall under no circumstances leave the country without the permission of the learned Trial Court;
- c. The applicants shall appear before the learned Trial Court as and when directed;



- d. The applicants shall upon their release, give their mobile numbers to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- e. The applicants 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.
11. In the event of there being any FIR/ DD entry/ complaint lodged against the applicants, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
12. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and shall not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.
13. The present applications are allowed in the aforementioned terms.
14. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

MAY 27, 2024

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