



\$~8

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

+ **BAIL APPLN. 2466/2024**

ASHISH PANTHI

.....Petitioner

Through: **Mr. Nishant Rai Goel &
Mr. Gagan Talwar, Advs.**

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: **Mr. Naresh Kumar
Chahar, APP for the State
with Mr. Manjeet Singh,
Ms. Pallavi, Ms. Vaishali
Chaudhary, Mr. Vibhuti
Garg, Mr. Mohd. Wasim
& Mr. Jitendra Singh,
Advs.
SI Rahul & ASI Rajesh,
PS- Adarsh Nagar**

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

23.07.2024

%

CRL.M.A. 20640/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 2466/2024

3. The present application is filed seeking grant of regular bail in FIR No.18/2024 dated 10.01.2024 registered at Police Station Adarsh Nagar, Delhi for offence under Section 324 of the Indian Penal Code, 1860 ('IPC').
4. The FIR was registered on a complaint given by the complainant/victim namely, Deepak, alleging that the applicant had stabbed him and caused grievous injuries.

BAIL APPLN. 2466/2024

Page 1 of 5



5. Subsequently, the applicant was arrested on 11.01.2024.
6. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case due to a previous acrimony.
7. He submits that there is no evidence to implicate the applicant for the alleged offence. He submits that the co-accused namely, Rohit, who was accompanying the applicant during the alleged incident has already been admitted on bail by the order dated 04.03.2024 passed by this Court.
8. The learned Additional Public Prosecutor for the State submits that the victim has categorically named the applicant as an accused who had stabbed him and caused injuries.
9. He submits that the co-accused who has been admitted on bail by order dated 04.03.2024, passed by this Court, was only accompanying the applicant. It was not alleged that the co-accused had stabbed the victim.
10. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.
11. The applicant has been in custody since 11.01.2024, and the chargesheet has already been filed. It appears from the FIR that the victim had allegedly gone to purchase liquor with his friend, Moin, when a person inside the shop persistently stared at



them. The victim, however, did not recognize this individual. Subsequently, it was alleged that the said person followed the victim and his friend, Moin, and then stabbed the victim. When the victim and his friend attempted to apprehend the attacker, he fled the alleged place of the incident.

12. The learned Additional Public Prosecutor for the State submits that the CCTV footage from the alleged place of incident was retrieved, and the victim subsequently identified the applicant as the individual who had stabbed him.

13. The CCTV footage has been perused. At this stage, it cannot be concluded with certainty that the person involved in the stabbing of the victim was indeed the accused.

14. On being asked, it is also stated that no CDR location of the applicant has been obtained by the police

15. Thus, the case of the prosecution against the applicant, at this stage, is solely on the basis of the statement of the victim which is given after viewing the CCTV, and as noted above, the face of the applicant was not clear in the CCTV footage. It is apparent that there are some discrepancies, the benefit of which, at this stage, ought to be given to the accused. The victim at the time of giving complaint to the police had said that some unknown person was staring at him and then followed him.

16. The probative value of the evidence collected during the investigation thus far, would be a matter of trial, however, the benefit of the doubt, as noted above, ought to be given to the accused, especially when the chargesheet has already been filed and the applicant is no longer required to be in custody for any further investigation.

17. The applicant is stated to be a young boy of 19 years of age and has no antecedents. Prolonged incarceration is bound to



cause inexorable harm to the mental well-being of such impressionable young individual.

18. It is not disputed that the trial will take a considerable amount of time to conclude. Speedy trial in the present case does not seem to be a possibility. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. The applicant cannot be made to spend the entire period of trial in custody especially when the trial is likely to take considerable time.

19. In view of the same, this Court is of the opinion that no purpose would be served by keeping the applicant in further custody.

20. Appropriate conditions can be imposed to allay the apprehension of the applicant tampering with the evidence or evading the trial.

21. In view of the same, this Court is of the opinion that the applicant ought to be enlarged on bail. The applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹30,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The applicant 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;



- c. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- d. The applicant shall appear before the learned Trial Court as and when directed;
- e. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- f. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

22. 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 filing an application seeking cancellation of bail.

23. 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.

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

AMIT MAHAJAN, J

JULY 23, 2024
"SS"