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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2630/2024**
POORAN @ GOLU

.....Petitioner

Through: Mr. Aditya Vikram, Mr. Pawan
Basoya and Mr. Ayushman Sharma,
Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, Ld. APP for the
State with SI Rajak Ahmed P.S.
Sangam Vihar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

30.08.2024

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1. An Application under Section 483 BNSS has been filed on behalf of the petitioner Pooran @ Golu seeing Regular Bail in FIR No.181/2024 dated 14.03.2024 under Section 307, 34 IPC registered at Police Station Sangam Vihar.

2. Briefly stated the complaint dated 14.03.2023 was made by one Parag S/o Akhilesh Mishra alleging that on 13.03.2024 while he was present with his father, his brother Akshay and friend Abhay Thakur at their newly purchased plot and were getting the debris removed through a JCB, when Himanshu @ Mannu co-accused arrived at the spot and questioned him for getting the debris removed as his family had been using the empty plot to dump garbage. Thereafter, Himanshu @ Mannu went away and came back with 4-5 other boys. One of those boys was Ajay @ Chintu who stabbed in the abdomen of the complainant. The other persons including the present



petitioner who had accompanied the main accused Himanshu @ Mannu, then started throwing bricks. The complainant suffered injuries and was taken to the hospital, where his MLC was prepared.

3. The petitioner has asserted that the nature of the injuries has been certified as simple. It is further submitted that the petitioner surrendered before the Police on 18.03.2024 and he is in Judicial Custody since then.

4. The Charge sheet has already been filed in the Court on 06.06.2024 under Section 307/308/34 IPC.

5. His regular bail application has been dismissed by learned ASJ vide Order dated 04.04.2024. However, the bail application of co-accused Anurag has been allowed by the learned ASJ on 05.04.2024. It is submitted that the second Regular Bail Application filed before learned ASJ has also been dismissed on 10.07.2024.

6. The petitioner submits that he has been falsely implicated in this case on the mere Disclosure Statement of the co-accused. No injury caused to any of the injured persons is attributable to him. In fact, the brother and father of the accused has supposedly suffered most at the hands of the alleged assailants, who apparently had no injuries. In the CCTV footage, it can be seen that it is one Shivam who had been throwing bricks at the spot. Merely on the basis of pixilated and not so clear CCTV footage, the bail application could not have been decided. The identification of the petitioner in the CCTV footage had been done before the learned Trial Court in his absence.

7. It is submitted that the petitioner is a young boy of 23 years, with no criminal antecedents. No offence is made out against him as it was not a case of pre-meditated fight. Moreover, the injuries have also found to be



simple and it cannot be said that there was any intention or knowledge to commit culpable homicide not amounting to murder. The petitioner himself had surrendered before the Court. There are 23 witnesses and the trial would take a long time to be concluded. His custodial interrogation is not required. The Chargesheet has already been filed. The petitioner undertakes to not to influence the prosecution witnesses or to tamper with the evidence in any manner. Hence, the petition is filed for grant of bail.

8. **The Status Report** has been filed on behalf of the State.

9. Learned Prosecutor has argued that the averments made by the petitioner are not supported by the investigations undertaken by the I.O. The petitioner had joined the other accused persons in inflicting injuries with an intent, which were likely to cause death. In the CCTV footage, the petitioner is seen clearly hitting the injured Parag with a brick. Moreover, in pursuance of the common intention, the injured Parag had also been hit with sticks. In addition to the CCTV footage, there are other eye witnesses, who have supported the case of the prosecution. Moreover, the petitioner had not surrendered, but in fact had been arrested by the I.O on 18.03.2023 from DDA Park, Sangam Vihar. The Charges have been framed under Section 143/148/149/307/323 IPC against all the accused persons.

10. The bail application is, therefore, opposed.

11. **Submissions heard.**

12. The role assigned to the petitioner is that he was part of the group which had inflicted injuries on the injured persons by throwing bricks and hitting with sticks. Admittedly, the stab injury had been caused by one Ajay @ Chintu. The Charges also have been framed under Section 143/148/149/307/323 IPC and it is not a case of common intention.



13. Considering that the accused is in custody for the last about five months and all the investigations have already been completed and charges framed, the petitioner Pooran @ Golu is admitted bail on the following conditions:-

- a) The petitioner/accused shall furnish a personal bond of Rs.25,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing.
- c) The petitioner/accused shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number, without prior intimate to the Investigating Officer concerned.
- d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
- e) The petitioner/accused shall not change his residential address and in case of change of the residential address, the same shall be intimated to this Court, by way of affidavit.

14. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.

15. The application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 30, 2024/va