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

+ **BAIL APPLN. 2990/2024**

ASHISH

.....Petitioner

Through: Mr. Pushkar Priyadarshi, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
the State.

SI Kuldeep Singh, PS Mangolpuri

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

29.08.2024

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1. The Petitioner has approached this Court for grant of bail in the event of arrest in FIR No. 426/2024 dated 05.05.2024 registered at Police Station Mangolpuri for offences under Section 324, 506 & 34 IPC.
2. The facts of the case reveal that on 05.05.2024 a PCR Call was received informing about an incident of stabbing at Mangolpuri. On reaching the spot, the caller met the Police Officer and told that someone has stabbed his nephew Sumit. The victim Sumit gave his statement stating that on 05.05.2024 one Vipin@ Mathi@ Mathir came along with the Petitioner herein and their associates. It is stated that Vipin@ Mathi@ Mathir and the Petitioner herein stabbed Sumit with knife on his head and the associates of the Petitioner and Vipin, i.e. Armaan, Priyanshu @ Chintu Nikhil, Rahul @ Sethi, Kaku@ Deep Daksh Rana, hit Sumit with bricks and ran away. According to the said complaint, the present FIR was registered for offences



under Section 324, 506 & 34 IPC. However, on the receipt of MLC wherein the doctor has opined that the victim suffered an incision of 2.5 cm x 0.5 cm on the occipital region, an incised wound of 1.2 cm x 0.5cm x 0.2 cm on the head, an incised wound of 1.2 cm x 0.2cm x 0.1 cm on the shoulder, an incised wound of 1.0 cm x 0.1cm x 0.1 cm on the eyebrow, offence under Section 307 IPC was added in the FIR.

3. Petitioner approached the Sessions Courts by filing an application for anticipatory bail and the same was rejected vide Order dated 08.08.224 on the ground that the Petitioner is responsible for inflicting injuries on the victim. Thereafter, the Petitioner has approached this Court seeking bail in the event of arrest.

4. Learned Counsel for the Petitioner places reliance on the Order dated 02.08.2024, passed by this Court in BAIL APPLN. 2681/2024 granting anticipatory bail to the co-accused Nikhil and other orders of the Sessions Court granting bail to co-accused Rahul, Priyanshu, Naveen and Kaku@ Deep Daksh Rana.

5. It is pertinent to mention that when anticipatory bail was granted to Kaku@ Deep Daksh Rana, offence under Section 307 IPC was not added in the FIR. The allegation against the Petitioner herein is that he used a knife to hit the Victim unlike Nikhil who had used a brick to hit the Victim. The case of the Petitioner is therefore distinguishable from the case of the Nikhil who was the Petitioner in BAIL APPLN.2681/2024 where there is no allegation that the accused therein has inflicted an injury with a sharp edged weapon on the injured. In view of the above, this Court is of the opinion that the role of the Petitioner herein was entirely different from other co-accused who have been granted anticipatory bail either by this Court or by the Sessions Court.



This Court is, therefore, not inclined to grant anticipatory bail to the Petitioner herein at this juncture.

6. Accordingly, the Petition is dismissed, along with the pending applications, if any.

7. It is made clear that dismissal of bail application should not mean automatic arrest of the Petitioner and before arresting the Petitioner, the Police must keep in mind the fact that co-accused have been granted anticipatory bail by this Court and the Sessions Court and the Petitioner should be arrested only if the custody of the Petitioner is required. It is also made clear that if the Petitioner is arrested and he files an application seeking bail, the same be considered as expeditiously as possible, preferably within four working days from the filing of such application.

SUBRAMONIUM PRASAD, J

AUGUST 29, 2024

Rahul