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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4266/2023 & CRL.M.A. 34763/2023 (Exemption)**
RAHUL KUMAR Petitioner

Through: Mr. Javed Alvi, Advocate.

versus

THE STATE (NCT OF DELHI) Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Pankaj Yadav, P.S. Nangloi.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **02.02.2024**

1. The present application under Section 439 of the Cr.P.C. seeks regular bail in case FIR No. 527/2023, under Sections 307/506/34 of the IPC, registered at P.S. Nangloi.
2. The case of the prosecution as per status report dated 31.01.2024 authored by SHO, P.S. Nangloi, is as under:

"1. It is submitted on dated 30.05.2023 a MLC vide DD NO. 126A was received in PS Nangloi. The MLC was marked to ASI Virender NO. 345/OD for Necessary Action. On receiving the information ASI Virender along with staff Ct. Kamlesh No. 1723/OD reached to Sanjay Gandhi Hospital, Mangol Puri, Delhi. ASI Virender received the MLC NO. 10531123 of patient Sharukh S/o Akhtar Ali Rio Y-7, hanuman Mandir, Camp No. 01, Nangloi, Delhi. Age-29 years. Dr. mentioned" Patient is not fit for statement"

2. On 01.06.2023, a case FIR No. 527/23 u/s 307/506/34 IPC PS Nangloi was registered on the statement of victim Sharukh S/o Akhtar Ali Rio Y -7, hanuman Mandir, Camp No. 01, Nangloi, Delhi. Victim Sharukh stated that on dated 29.05.2023 the victim had argument with boys residing in neighbor regarding the money. Those boys threatened the victim sharukh. Then on 30.05.12023 around 6:30 P.M., when the



victim was on his shop(rehdi), SP Road, Nangloi , 4 persons came to him and one of them Rahul hit the victim on his head by the wooden stick having iron nail. Other Person namely Aftab had stabbed the victim in stomach with the intention to kill. Other two persons had beaten the victim mercilessly. After that all the four accused person ran from the spot.

3. As Per the MLC, Injuries are CLW over Forehead (5 cm * 0.5 cm * 1 cm), CL W over Lt. flank Posterior (6 cm * 1 cm depth), Injury is Grievous. 4. During the Course of investigation, Accused Rahul and Aftab were arrested. Weapon of Offence i.e. One wooden stick with Iron Nails was recovered from the house of accused Rahul and one knife was recovered from the house of accused Aftab.

5. During further investigation, CCL Mehtab was apprehended on 24.06.2023 and CCL Mohit @ Karan was apprehended on 25.07.2023 and produced before JJJB, Kingsway Camp.

6. The Chargesheet u/s 173 Cr.P.C against the accused/applicant Rahul and accused Aftab has been prepared and submitted before the Hon'ble Court on 18.08.2023. The Case is pending in the Hon'ble Court at a stage of Charge and N.D.O.H is 21.02.2024.”

3. Learned counsel appearing on behalf of the applicant submits that as per MLC, the grievous injury is attributed to the stab injury which was inflicted by the co-accused. It is further submitted that the investigation in the present FIR is complete and the chargesheet stands filed before the Court of competent jurisdiction. It is further submitted that the applicant is 19 years of age, has no previous involvements and has been in judicial custody since 03.06.2023. It is further submitted that if granted bail, the applicant is ready and willing to abide by any terms and conditions deemed fit and proper in facts and circumstances of the case.

4. *Per contra*, learned APP for the State, on instructions of the Investigating Officer, submits that the allegation against the present applicant is of hitting the victim/complainant on his forehead with a wooden stick having iron nail. It is further submitted that the injury has been



inflicted on the forehead. In view of the above, the application is opposed.

5. Heard learned counsel appearing on behalf of the parties and perused the record.

6. The MLC placed on record reflects that the stab injury opined as grievous in nature has been inflicted by the co-accused of the present applicant. Chargesheet in the present case has been filed and the matter before the learned Trial Court is at the stage of consideration on point of charge. As per nominal roll dated 25.01.2024 received from the concerned Jail Superintendent, the applicant has been in judicial custody for the last 07 months and 21 days. It further reflects that the present applicant has no previous involvements.

7. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount, who shall be a family member, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i) The applicant shall not leave India without prior permission of the learned Trial Court.
- ii) The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii) The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv) The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v) The applicant shall not, directly or indirectly, tamper with evidence or



try to influence the witness in any manner.

8. The application is allowed and disposed of accordingly.
9. Pending application, if any, also stand disposed of.
10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
11. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
12. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

FEBRUARY 2, 2024/bsr