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

+ **BAIL APPLN. 4328/2023**

BHARAT GUPTA

..... Petitioner

Through: Mr. Ramesh Kumar, Mr. S.B. Sharma, Mr. Yashwant Gahlot, Mr. Ankit Sharma, Ms. Ankita, Ms. Annu Sharma, Mr. Hemant Gahlot, Mr. Jai Narain, Mr. Tushant and Mr. Sanjeev Rawat, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Raghuvinder Verma, APP for State with ASI Harbir (I.O) and SI Ranjana, PS. Bindapur.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

15.03.2024

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1. The present petition has been filed under Section 439 CrPC seeking regular bail in connection with FIR No.439/2023 under Sections 307/34 IPC registered at Police Station Bindapur.

2. The case of the prosecution is that on 24.07.2023, the complainant went to *Shukar Bazar* at night where he was threatened by Bharat @ Babu Bisleri and Mannu as they were under an impression that the complainant/victim had given some information to the police about Bharat selling drug injections. Thereafter, a fight ensued wherein Mannu caught hold of victim's both hands and Bharat @ Babu Bisleri stabbed him with a knife at his back with intention to kill him. This led to the registration of the



aforesaid FIR.

3. The learned counsel for the petitioner submits that the injury suffered by the victim is simple in nature. He further submits that the petitioner has clean antecedents and he is no more required for further investigation as the charge sheet stands filed.

4. He submits that the petitioner has a widowed mother and a minor child. He, therefore, urges the Court to enlarge the petitioner on bail.

5. *Per contra*, the learned APP for the State has argued on the lines of the Status Report.

6. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and have perused the record.

7. It is not in dispute that the injury suffered by the victim is simple in nature. Further, the petitioner is in custody since 28.11.2023 and the charge sheet having been filed, the custody is no more required, therefore, no useful purpose will be served in keeping the petitioner behind bars.

8. On a query raised by the Court, the learned APP, on instructions from the I.O, fairly states that the petitioner does not have any criminal record.

9. Undisputedly, the offence weapon i.e, knife was not recovered from the petitioner or at his instance.

10. The petitioner is a permanent resident of Delhi, therefore, he is not a flight risk.

11. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further



subject to the following conditions:-

- a) Petitioner shall not leave the Delhi without prior permission of the Court.
 - b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - c) Petitioner 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 intimation to the Investigating Officer concerned.
 - d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
12. The petition stands disposed of.
 13. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.
 14. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
 15. Order *dasti* under signatures of the Court Master.
 16. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MARCH 15, 2024/dss