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

+ **BAIL APPLN. 3352/2024**

RAJVEER

.....Petitioner

Through: Mr. Mohit Kapoor, Advocate.

versus

STATE (GOVT.OF NCT OF DELHI)

.....Respondent

Through: Mr. Aman Usman, APP for the State
SI Parmendra Kumar, PS DBG Road

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **17.09.2024**

1. The Petitioner has approached this Court for grant of regular bail in FIR No.160/2024 dated 08.04.2024, registered at Police Station D.B.G Road for offences punishable under Sections 324/34 IPC.

2. Material on record indicates that the present FIR was registered at Police Station D.B.G Road on the basis of a complaint made by one Chanchal Soni/victim. It is stated by the complainant/victim that on 08.04.2024 at about 09:00 AM, he was attacked with a knife by three persons. It is stated that the victim was taken to Jeevan Mala Hospital where the medical examination of the victim was conducted and, thereafter, offence under Section 326 IPC was invoked. During investigation, two accused surrendered themselves at JJB, 3rd, Kingsway Camp, Delhi. The statements of both the said accused were recorded in the presence of Presiding Officer and their family members. The disclosure statement



discloses the complicity of the Petitioner herein in the crime. The Petitioner was also captured in the CCTV footage at the crime scene. This Court has perused the photographs of the CCTV footage wherein the Petitioner along with the other accused is seen near the spot at the time when the incident took place. Investigation reveals that it was the Petitioner who provided the knife used in the attack. Since the Petitioner was evading arrest and absconding, notice under Section 41A Cr.P.C was issued to the Petitioner but he did not present himself. Non-Bailable Warrants (NBWs) were also issued and, thereafter, proceedings under Section 82 Cr.P.C were also initiated against the Petitioner.

3. The Petitioner filed an application under Section 438 Cr.P.C for grant of anticipatory bail before the Trial Court which was rejected *vide* Order dated 27.05.2024.

4. The Petitioner, thereafter, approached this Court for grant of anticipatory bail by filing a BAIL APPLN. 1983/2024. The said application was withdrawn by the Petitioner on 08.07.2024. The Petitioner, thereafter, surrendered on 06.08.2024 and one day's police remand was obtained for the Petitioner.

5. The Petitioner, thereafter, approached the Trial Court by filing an application for grant of regular bail which was dismissed by the Trial Court *vide* Order dated 24.08.2024. On 05.09.2024, another bail application of the Petitioner was rejected by the Trial Court.

6. Learned Counsel appearing for the Petitioner contends that the Petitioner has been in custody since 06.08.2024. He states that the Petitioner's name has been brought out only in the disclosure statement. He states that in the CCTV footage, the face of the Petitioner has not been



clearly captured. He states that the Petitioner has been falsely implicated in the present case. He further states that the Petitioner has no criminal antecedents and has roots in the society and is not a flight risk and, therefore, the Petitioner may be released on bail.

7. Learned APP appearing for the State vehemently opposes the bail application of the Petitioner by contending that the Petitioner's name has been disclosed by the other co-accused. He states that the Petitioner has been correctly identified by the witnesses during the judicial Test Identification Parade (TIP). He states that if the Petitioner is released on bail, there is a possibility of threatening the witnesses by the Petitioner. He states that the Petitioner was absconding and despite issuing notice under Section 41A Cr.P.C and NBWs, the Petitioner remained at large and, therefore, proceedings under Section 82 Cr.P.C had to be initiated against the Petitioner. He, therefore, states that the chances of the Petitioner fleeing from justice cannot be ruled out at this juncture.

8. Heard learned Counsel appearing for the Parties and perused the material on record.

9. Material on record discloses that the Trial Court has seen the CCTV footage and the Trial Court has categorically observed that there is no doubt that the Petitioner is seen along with the other three accused. This Court has also seen the photographs of the CCTV footage produced by the learned APP in Court which shows that the Petitioner was present along with the other three accused on 08.04.2024 near the crime site. As submitted by the learned APP that the Petitioner has been correctly identified by the witnesses during the judicial Test Identification Parade (TIP). The status report filed before the Trial Court discloses that the fourth accused is still absconding



and yet to be arrested.

10. In view of the fact that the investigation is still in progress, the fourth accused person is yet to be apprehended and the fact that the Petitioner was evading arrest and absconding and surrendered only after notice under Section 41A Cr.P.C and NBWs were issued and proceedings under Section 82 Cr.P.C were initiated and also considering the fact that there is a likelihood of the Petitioner threatening the witnesses and fleeing from justice if enlarged on bail, this Court is not inclined to grant bail to the Petitioner at this juncture.

11. In view of the above, the bail application is dismissed, along with pending application(s), if any.

12. However, liberty is granted to the Petitioner to approach the Competent Court for grant of bail after filing of the chargesheet.

SUBRAMONIUM PRASAD, J

SEPTEMBER 17, 2024

S. Zakir