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

+ **BAIL APPLN. 3364/2024**

SHIVAM PATEL

.....Petitioner

Through: Mr.Rohit Kumar Singh, Mr.Shivam
Sharma and Mr.Akash Kumar,
Advocates

versus

THE STATE (NCT OF DELHI

.....Respondent

Through: Mr.Manoj Pant, APP for State with SI
Vijay Kumar, P.S. Jaitpur.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **18.09.2024**

CRL.M.A. Nos. 28147-48/2024

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

BAIL APPLN. 3364/2024

1. An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 302/2021 under Sections 307/34 IPC registered at PS: Jaitpur.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. In brief, as per the case of prosecution, FIR was registered on 11.06.2021, on statement of Mohd. Sarfaraz (complainant), who alleged that earlier there had been an altercation with Shivam Patel (petitioner), on



which he had threatened the complainant. On 10.06.2021, while complainant was proceeding on his motorcycle, he was stopped by Shivam Patel, Ankit Pandit and Rajnish who were standing in the *gali* (lane). Shivam Patel removed the keys of his motorcycle and further took out a knife from his pocket. On seeing the knife, complainant tried to escape from the spot but was followed by all three accused. Therefore, complainant was caught hold by Rajnish and Ankit Pandit, while knife injuries were inflicted by Shivam Patel (petitioner) on chest, abdomen, left arm and left hand of the complainant.

4. Learned counsel for the petitioner submits that petitioner is in custody since 22.04.2024, and emphasizes that injured was discharged from the hospital on the same day.

5. On the other hand, application is vehemently opposed by learned APP for State. He points out that petitioner absconded during the course of investigation and could only be arrested on 22.04.2024. He further submits that, in case, petitioner is released on bail, at this stage, witnesses may be influenced. The role of petitioner is also stated to be differentiable from co-accused since he inflicted the stab injuries on vital part of body (i.e., chest).

6. Admittedly, stab wounds were inflicted on the chest, abdomen, left hand and left arm of complainant, after stopping him on the road. Petitioner absconded after the incident and could only be arrested after a gap of approximately a little less than three years. The role of the petitioner is also distinguishable from co-accused since he inflicted the stab injuries. It cannot be ruled out that petitioner may misuse the liberty, in case, he is released on bail since the complainant is yet to be examined.

Considering the facts and circumstances, no grounds for bail are made



out, at this stage.

Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

Nothing stated herein shall tantamount to expression of opinion on the merits of the case.

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 18, 2024/v