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

+ **BAIL APPLN. 3513/2024**

DHARMINDER KUMAR

.....Petitioner

Through: Mr. Saurabh Upadhyay, Mr. Aakash
Yadav and Mr. Salil Dixit, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for the State
with SI Subhash Chandra

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

27.11.2024

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1. The instant application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter as the “BNSS”) [earlier under Section 439 of the Code of Criminal Procedure, 1973] has been filed on behalf of the petitioner seeking grant of regular bail in FIR bearing No.1361/2021, registered at Police Station – Mahendra Park, Delhi, for offence punishable under Section 307/342/506 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. Learned counsel appearing on behalf of the applicant submitted that the applicant is an innocent person and has not committed any offence as alleged in the aforesaid FIR.

3. It is submitted that the applicant and the complainant were in a relationship for around six years and wanted to marry each other, however, the said relationship was not accepted by the complainant’s parents.



4. It is submitted that the complainant in connivance with her family members lodged a false FIR against the applicant, alleging that the applicant injured the complainant with a broken knife. However, the complainant's testimony in her examination and cross-examination are contradictory in nature, wherein she admitted that she was in a relationship with the applicant.

5. It is submitted that the injuries sustained by the complainant are not inflicted by the applicant as they might have been inflicted upon her by her own family members on the alleged date of incident. Moreover, the injuries sustained by the complainant are not grievous in nature and do not pose a danger to her life.

6. It is submitted that the trial is at the stage of the prosecution evidence and the 5 out of 15 witnesses have already been examined, therefore, there is no possibility of the applicant influencing the witnesses in the instant case.

7. It is further submitted that the applicant is a young person of 24-25 years of age, has clean antecedents and there is no criminal case pending against him. Further, the applicant has been languishing in jail since 31st October, 2021 i.e., for a period of more than three years.

8. It is submitted that the applicant is a resident of I-Block, Jahangirpuri, Delhi and native of Ghazipur, U.P., thus, there amounts no flight risk against the applicant.

9. Learned counsel for the applicant further undertakes that the applicant shall abide by all the terms and conditions imposed by this Court while granting him bail.

10. In view of the foregoing submissions, it is prayed that the applicant



be released on bail.

11. *Per Contra*, Mr. Satish Kumar, learned APP for the State has vehemently opposed the instant bail application by submitting to the effect that the applicant herein gave multiple knife blows to the complainant, thereby causing grievous injuries due to which she was unable to walk for several days.

12. It is further submitted that the applicant had pressurised the complainant to marry him, however, when she turned down his proposal, the applicant committed the aforesaid offence.

13. It is submitted that in view of the foregoing submissions, the applicant does not deserve any concession of this Court, it is prayed that the instant applicant is liable to be dismissed.

14. During the course of the arguments, learned APP for the State has handed over the Status Report to this Court, which is taken on record.

15. Heard learned counsel for the parties and perused the record.

16. This Court has perused the contents of the application, status report as well as the aforesaid FIR. It is observed that the address provided by the applicant has been verified by the State and found to be correct. Since the applicant has deep roots in the society, the applicant cannot pose as a flight risk. Moreover, it is an admitted fact that the applicant has been languishing in jail since past 2.5 years.

17. As per the Status Report, the police had recovered the weapon of offence i.e., broken knife, investigation had been completed, chargesheet had been filed and chargesheet regarding the FSL report has also been submitted to the learned Trial Court. Furthermore, it is observed that the proceedings before the learned Trial Court are at the stage of prosecution



evidence, wherein 5 out of 15 witnesses have already been examined, hence, there are bleak chances of the applicant influencing the witnesses.

18. Keeping in view that the applicant has been languishing in jail for 2.5 years, absence of flight risk and the trial court proceedings being at the stage of prosecution evidence coupled with the fact that the weapon of the offence is recovered by the police officials, this Court is inclined to allow the instant petition seeking regular bail.

19. Accordingly, it is directed that the instant applicant be released on bail upon his furnishing personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with two sureties of like amount to the satisfaction of the Jail Superintendent/ Trial Court subject to the conditions as follows:-

- a) The applicant shall under no circumstances leave India without prior permission of the Court concerned;
- b) The applicant shall appear before the Court as and when required;
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, and/or attempt to tamper with the evidence;
- d) The applicant shall provide his mobile number(s) and keep it operational at all times;
- e) The applicant shall commit no offence whatsoever during the period he is on bail;
- f) in case of change of residential address and/or mobile number, the same shall be intimated to the Court concerned by way of an affidavit; and
- g) The applicant shall not try to contact with the complainant, directly or indirectly;



h) The applicant shall report to the jurisdictional Police Station on 15th day of every calendar month.

20. Accordingly, the instant bail application alongwith pending applications, if any, stands disposed of.

21. Copy of this order be sent to Jail Superintendent for compliance.

22. It is made clear that any observations touching merits of the case are purely for the purpose of deciding the question of grant of bail by this Court and shall not construed as an expression of final observation in the proceedings pending before the learned Trial Court.

CHANDRA DHARI SINGH, J

NOVEMBER 27, 2024

Rt/mk

[Click here to check corrigendum, if any](#)