



\$~83

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3631/2024**
SUMIT @ CHAVVAPetitioner
Through: Mr. Rishipal Singh, Mr. Dinesh
Kumar and Ms. Radha Rani, Advs.
versus

THE STATE OF NCT DELHIRespondent
Through: Ms. Manjeet Arya, APP for the State
with SI Deepak Kumar and Insp.
Satvinder Singh, PS Jahangir Puri.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **08.10.2024**

CRL.M.A. 30310/2024 & 30311/2024

Exemptions allowed, subject to just exceptions.

Applications stand disposed of.

BAIL APPLN. 3631/2024

1. An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner for grant of regular bail in FIR No. 428/2019 under Sections 324/341/506/34 IPC registered at P.S.: Jahangir Puri. Chargesheet has been filed under Sections 307/341/506/34 IPC.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. In brief as per the case of prosecution, present FIR was registered on 09.09.2019, on complaint of Himanshu, who alleged that on 08.09.2019 at about 10:15 PM, in front of Fancy Cake Shop in B-Block, he was stopped by four boys namely Sumit s/o Raju, Sumit @ Chavva (petitioner) s/o Sunil,



Vicky S/o Sunil and an unknown person. Further, the unknown person caught him from behind while the co-accused stabbed him with knives. The complainant was taken to BJRM Hospital by his brother.

4. Learned counsel for petitioner submits that complainant did not support the case of prosecution on the point of identity of petitioner. He further contends that weapon of offence was not recovered at the instance of the petitioner and there is no other connecting evidence to link the petitioner.

5. On the other hand, learned APP for the State opposes the bail application on the ground that petitioner is involved in several offences though the factual position is not disputed. She also points out that earlier bail application preferred on behalf of petitioner was dismissed as withdrawn vide order dated 22.08.2024.

6. On rebuttal, learned counsel for petitioner submits that earlier bail application was withdrawn since one of the witnesses Manish was to be examined though subsequently it was revealed that Manish had only taken the injured to the hospital and is not a material witness.

7. Considering the facts and circumstances, since the witnesses turned hostile on the point of identity of the petitioner and no other incriminating evidence has been pointed on record, petitioner is admitted to bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like amount to the satisfaction of the learned Trial Court and subject to the following conditions:

(i) Petitioner shall provide his mobile number to the Investigating Officer (IO)/SHO concerned at the time of release.

(ii) Petitioner shall not indulge in any criminal activity during pendency of trial.



(iii) Petitioner shall not leave NCT of Delhi without prior permission of the learned trial court.

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

A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 8, 2024

p