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

+ **BAIL APPLN. 3664/2024 & CrI.M.As.30536-37/2024**

MANSHU @ CHIKAA

.....Applicant

Through: Mr. Sachin Shukla, Mr. Ankit Duhan,
Mr. Nikhil Gupta, Mr. Aakash Passi
and Mr. Hamid Hussain, Advocates.

versus

**STATE NCT OF DELHI THROUGH SHO PS SUNLIGHT
COLONY**

.....Respondent

Through: Mr. Raghuinder Verma, APP for the
State along with Roshan Lal.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

03.12.2024

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1. The instant bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") earlier under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.") has been filed on behalf of the applicant seeking grant of bail in FIR bearing No. 0076/2024 registered at Police Station - Sunlight Colony, Delhi for the offences punishable under Sections 307/506/34 of the Indian Penal Code, 1860 (hereinafter "IPC") and Section 27 of the Arms Act, 1956.

2. In the instant FIR, it is stated that the complainant had an argument with the applicant and his friends, pursuant to which it is alleged that the applicant shot the complainant in his leg. The applicant was arrested thereafter and has been languishing in judicial custody since 14th March,



2024.

3. Learned counsel appearing on behalf of the applicant submitted that the applicant is an innocent person and a law abiding citizen. It is submitted that the applicant is falsely implicated in the instant case.

4. It is submitted that the police has registered two FIRs i.e., 75/2024 and 76/2024. The injured person i.e., Prince is one of the accused in the FIR No. 75/2024 and the complainant in the FIR No. 76/2024. It is further submitted that when the police went to the house of Prince in connection with FIR No. 75/2024, he started running away from them and was manhandled by the police officials because of which he got injured on his thigh, and to hide police's merciless behaviour, the police has lodged the instant FIR only for the purpose of saving the officials involved in the incident.

5. It is submitted that no weapon has been recovered from the applicant by the police. It is further submitted that the investigation in the present case has been completed, chargesheet has already been filed by the police and charges have been framed against the applicant. It is also submitted that the applicant is a permanent resident of Delhi, and therefore, he is not a flight risk.

6. On instructions, learned counsel undertakes that the applicant shall abide by any condition imposed by this Court while granting bail. It is submitted that the address of the applicant has already been verified by the State and was found to be correct.

7. It is further submitted that the applicant is only 20 years old and there are no criminal antecedents against the applicant. Hence, it is prayed that the applicant may be released on bail.



8. *Per Contra*, Mr. Satish Kumar, learned APP for the State vehemently opposed the bail application. During the course of arguments, the learned APP handed over the Status Report to this Court, which has been taken on record. It is submitted that in the instant matter, even though the applicant has been examined in detail, there is a strong likelihood that the applicant may attempt to influence the complainant and the witnesses in the present case if he is released on bail.

9. It is submitted that the applicant is the main accused in this case as he is alleged to have shot the complainant on his thigh. However, it is admitted that the investigation has been completed and chargesheet has been filed.

10. In view of the above facts and circumstances the present applicant is not entitled to be released on bail as prayed for in the instant petition.

11. Heard learned counsel for the parties and perused the contents of instant application as well as the Status report filed by the learned APP for the State.

12. It is not a disputed fact that the applicant is only 20 years of age and there are no criminal antecedents of the applicant. Furthermore, it is observed that the applicant is a permanent resident of Delhi, and therefore, he is not a flight risk. This Court has also considered the MLC, wherein the doctor declared the injury to be simple in nature.

13. It is further observed that the applicant has been languishing in jail for more than eight months. It is also an admitted fact that the investigation has been completed and the chargesheet has been filed in the instant case.

14. Keeping in view the clean antecedents and the age of the applicant, injuries sustained being simple, and the fact that the applicant has been languishing in jail for more than eight months along with the fact that the



chargesheet has been filed, this Court is inclined to allow the instant application seeking regular bail. It is accordingly directed that the applicant be released on bail on his furnishing a personal bond of a sum amounting to 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 concerned 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 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 report to the jurisdictional Police Station - Sunlight Colony on the 15th day of every calendar month.

- 15. Accordingly, the instant application stands disposed of.
- 16. Copy of this order be sent to Jail Superintendent for compliance.
- 17. It is made clear that any observations touching the merits of the case



are purely for the purpose of deciding the question of grant of bail by this Court and shall not be construed as an expression of the final observation in the proceedings pending before the learned Trial Court.

CHANDRA DHARI SINGH, J

DECEMBER 3, 2024

Rk/st

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