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

+ **BAIL APPLN. 3723/2024**

VIKAS@LAL GULAB

.....Petitioner

Through: Mr. Pramod kumar and Mr. Rahul
Singh, Advocates

versus

THE STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Raghuinder Verma, APP for the
State with SI Shyam Bihari Yadav

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

05.11.2024

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1. The instant bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [earlier Section 439 of Code of Criminal Procedure, 1973] has been filed on behalf of the applicant seeking grant of regular bail in FIR bearing No. 223/2024 registered at Police Station - Burari, Delhi for offences punishable under Sections 392/394/397/34 of Indian Penal Code, 1860 (hereinafter "IPC").

2. The brief facts that led to the filing of the instant application are as follows:

(a) The FIR in the present matter has been filed on the basis of the complaint filed by the complainant namely, Mr. Ram Kishore. It has been alleged therein that on 3rd April, 2024, the complainant was attacked by three boys riding a motorcycle, pursuant to which, the applicant herein, who was sitting in the middle, took out a knife and stabbed the complainant on his stomach/chest and subsequently, he was



robbed.

(b) Thereafter, the present FIR under Sections 392/394/397/34 of the IPC was lodged against the applicant, after which he was arrested on 23rd April, 2024 and has been languishing in judicial custody since then.

(c) In view of the aforesaid, the applicant has approached this Court seeking the relief of regular bail.

3. Learned counsel for the applicant submitted that he may be released on bail as he has not committed any offence as alleged in the present FIR and he is a law abiding citizen. It is further submitted that the petitioner has been languishing in judicial custody since 23rd April, 2024.

4. It is submitted that the chargesheet in the present matter has already been filed and the investigation *qua* the applicant stands complete. Therefore, it is submitted that no fruitful purpose will be served by keeping the applicant behind bars.

5. It is also submitted that the applicant is entitled to be released on bail on grounds of parity as one co-accused namely, Mr. Rajan has already been enlarged on bail *vide* order dated 26th September, 2024 passed by the Court concerned.

6. On instructions, learned counsel undertakes that the applicant shall abide by all the conditions imposed by this Court while granting him the relief of regular bail. Therefore, in view of the foregoing submissions, it is prayed that the applicant may be granted the reliefs as prayed for.

7. *Per Contra*, Mr. Raghuinder Verma, learned APP for State has vehemently opposed the instant bail application and submitted that the present applicant is involved in a heinous crime of stabbing and robbing the



complainant, therefore, he is not entitled to the concession of bail.

8. It is submitted that there is an apprehension that in case the applicant is released on bail he may influence the trial, moreover, the present applicant is undergoing trial in two more cases apart from the present case, therefore, it is prayed that bail may be denied.

9. Heard learned counsel for the parties and perused the material placed on record.

10. This Court observes that the applicant herein has been languishing in judicial custody since 23rd April, 2024 and as per his nominal roll, which is placed on record, his overall jail conduct has been found to be satisfactory. Furthermore, the address of the applicant has already been verified by the State and the details are found to be true and correct. Moreover, it is also noted that the investigation in the present case stands complete and the chargesheet has already been filed.

11. Keeping in view the gravity of alleged offences, period of judicial custody already undergone, chargesheet been filed alongwith the facts that the investigation *qua* applicant stands complete and that a co-accused in the instant matter has already released on bail, this Court is inclined to release the instant applicant on regular bail.

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

- (a) The applicant shall surrender his passport before the Court concerned and under no circumstances he shall 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;
- (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 concerned Police Station on 15th day of every calendar month.

13. In view of the aforesaid, the instant application stands disposed of. Pending applications, if any, stands dismissed.

14. 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.

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

CHANDRA DHARI SINGH, J

NOVEMBER 5, 2024

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Click here to check corrigendum, if any