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

+ **BAIL APPLN. 3807/2024**

SHIVAM THROUGH PEROKAR MOTHERPetitioner

Through: Mr. Sahil Sharma, Adv.

versus

**THE STATE OF NCT OF DELHI THROUGH STATION HOUSE
OFFICER PS MOTI NAGAR & ANR.**Respondents

Through: Mr. Aman Usman, APP for State
SI Robin Khatana, PS Moti Nagar.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **09.12.2024**

1. This petition seeks quashing of FIR No.162/2023, registered at P.S Moti Nagar, under Sections 307/34 IPC. As per the nominal roll, petitioner has been in custody for the last 1½ years; has no previous involvement and his jail conduct has been satisfactory.
2. Case of prosecution is based on an incident of 8th June 2023 when a PCR call was received that a person was injured. The injured was found to be one Sushant Popli. He alleged that at about 12:30 pm, he along with his friends Gaurav and Ishant, near Moti Nagar Park. After some time, Gaurav told him to run as some boys were about to visit that area. On seeing them, complainant along with his friend Ishant started running. Three boys who were running behind them. Co-accused Arun started quarrelling with the complainant and the other stabbed him with a knife and then, Arun took the knife and stabbed him as well. Complainant suffered stab injuries and the



boys fled. Out of two persons who allegedly assaulted the complainant, were co-accused Arun and the CCL; Arun continues to be in custody.

3. An alleged settlement has been arrived at, which has been placed on record, dated 24th August 2024, executed and signed by complainant, two *parokars* on behalf of accused Arun and Shivam and by the CCL himself. As per the said settlement, parties have agreed that they will not quarrel in future, will live a harmonious life and will not indulge in any criminal activities.

4. Though bail is sought on the basis of settlement, complainant, who is present in the Court, states that he has objection to bail being granted to co-accused Arun, but no objection to bail being granted to petitioner Shivam. He further states that though petitioner and other accused persons are known to him, he is not friendly with them.

5. On repeated queries to complainant, he is firm on the aspect that he has no objection to bail being granted to petitioner Shivam. It is noted that testimony of complainant has also been recorded partly.

6. APP for State however raises an objection considering that testimony has been recorded only partly, and complainant is giving his no objection under pressure and coercion, and the knife was recovered from petitioner Shivam.

7. Counsel for petitioner, however, states that Shivam was, at best, as per the case of prosecution, accompanying the other co-accused and did not yield any knife. Moreover, complainant himself has categorically stated that he has no threat from petitioner and that Shivam/petitioner is not seen in CCTV footage and only co-accused Arun and the CCL are visible in the footage.



8. This is refuted by APP, who states that another CCTV angle, which shows presence of petitioner as well.

9. Considering overall facts and circumstances of the case, particularly that petitioner has no previous involvement, has already been in custody for about 1½ years and complainant has categorically stated that he has no objection to bail being granted to petitioner, this Court is of the opinion that petitioner is entitled to bail.

10. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner will mark presence physically before the concerned I.O. every second and fourth Thursday of every month at 4 p.m., and will be not kept waiting for more than an hour.



vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

11. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

12. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 9, 2024/sm/tk