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

+ **BAIL APPLN. 3948/2024 & CRL.M.A. 32615/2024**

SHIV KUMAR @ PRINCE

.....Petitioner

Through: Ms. Dolly Sharma, Advocate.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for the State
along with SI Biraj Salvi, PS-Sarai
Rohilla.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

02.12.2024

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1. The instant application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") read with Section 528 of the BNSS has been filed on behalf of the petitioner/applicant seeking grant of regular bail in FIR No. 909/2023 registered at Police Station – Sarai Rohila for the offence punishable under Sections 307/506/34 of the Indian Penal Code, 1860.

2. The brief facts of the case are that the complainant and his friends went to a tea stall when a car occupied by five persons, including the applicant, approached them. The car stopped near them and the said persons in the car, who are the accused in the instant case, were under the influence of alcohol, started quarreling with the complainant/victim and his friends. Subsequently, one of the accused allegedly tried to stab the complainant in



his chest, and consequently, the complainant fell down and the knife hit the hip of the complainant ultimately injuring him.

3. Learned counsel appearing on behalf of the applicant submitted that three other accused persons namely Yash Pratap, Rahul Prasad and Sahil have already been granted bail. It is further submitted that amongst these three accused persons, Rahul Prasad has been alleged to have inflicted the knife blow to the injured and the present applicant has not been alleged to have casted any injury to the complainant.

4. It is submitted that the present applicant is a young person of 27 years of age and the investigation is complete and chargesheet has already been filed by the investigating agency before the Court concerned. The present applicant is permanent resident of Delhi and has deep roots in the society.

5. It is submitted that since the co-accused were released on bail, therefore, the present applicant who stands at a better footing in terms of the allegations leveled against the accused persons, may also be released on bail.

6. It is submitted that the applicant is an innocent person and a law abiding citizen. Further, on instructions, learned counsel undertakes that the applicant shall abide by any condition imposed by this Court while granting bail.

7. It is submitted that the applicant surrendered before the concerned authorities on 3rd June, 2024 and is languishing in judicial custody since then. The investigation in the present case has been completed and the chargesheet has been filed and there is no requirement of custodial interrogation anymore. Hence, it is prayed that the applicant may be released on bail.



8. *Per Contra*, Mr. Satish Kumar, learned APP for State vehemently opposed the bail application and submitted that the present applicant is involved in other two criminal cases and in one of the two cases, he has already been convicted. In view of the above facts and circumstances, the present applicant may not be released on bail.

9. However, it is submitted that the address given by the applicant has been verified by the State and was found to be correct.

10. Heard learned counsel for the applicant and perused the contents of the instant application and the Status report filed by the learned APP for the State.

11. It is not denied by the learned APP for the State that the main accused in the present case who inflicted the knife blow to the victim has already been enlarged on bail. The only allegation against the present applicant is that he instigated the other accused to commit the offence in the present case. Furthermore, it is observed that the injury inflicted on the victim is not grievous in nature.

12. It is also pertinent to note that the investigation has been completed and the chargesheet has been filed. Further, the case before the Court concerned is fixed for arguments on charge. There are 23 witnesses to be examined, and therefore, it is unlikely that the trial will conclude in the near future.

13. Keeping in view the contentions and the arguments advanced by the learned counsel for the parties, and taking into consideration that the injury of the victim was not grievous in nature and did not pose a threat to the life of the complainant, the fact that the applicant has already been in jail for more than five months, and considering the alleged role of the applicant in



the commission of the offence, 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 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/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;
- (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 - Saria Rohila on 15th day of every calendar month.

- 14. Accordingly, the instant application stands disposed of.
- 15. Copy of this order be sent to Jail Superintendent for compliance.
- 16. 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 Trial Court.

CHANDRA DHARI SINGH, J

DECEMBER 2, 2024

rk/st

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