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

+ **BAIL APPLN. 4099/2024**

SUNIL @ GANJA

.....Petitioner

Through: Mr. Nishan Singh, Adv.

versus

STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Aman Usman, APP for State with
SI Vikram, PS Sarai Rohilla.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

09.12.2024

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1. This petition has been filed seeking regular bail in FIR No. 121/2024, under Sections 307/323/34 IPC, P.S. Sarai Rohilla.
2. The case of the prosecution is that on 26th January 2024 at about 08:30 P.M. the complainant and his friend Ajay, had gone to Chunni Wala Park, A-Block, Shastri Nagar, when accused Vicky came to him and asked for money to buy liquor. When the complainant refused, the accused Vicky got angry and started abusing. The complainant and his friend tried to get out of the park, but the accused Vicky and his associates did not allow them to go and they started to beat him with fists and leg blows and later got *dandas* as well.
3. The allegation by the complainant was that the accused Vicky took out a knife from his pocket and hit the same on the neck of the complainant, the complainant managed to save his neck, but the knife hit his head. The



petitioner was implicated since he was accompanying the said, Vicky.

4. Counsel for the petitioner points out to the MLC, which opines that the injury was simple in nature and the weapon was blunt.

5. As per the Nominal Roll, petitioner has been in custody for about 10 months, has no previous involvements and jail conduct is satisfactory.

6. Recording of the testimonies of the witnesses has still not begun and 18 witnesses have been arrayed.

7. Counsel for the petitioner points out that it was not alleged that he was the one who had used the weapon, even as per the case of the prosecution. The principal allegations are against accused Vicky.

8. It is stated by the APP for the State that he was involved in FIR No.678/2021 under Sections 302/34 IPC. Counsel for the petitioner points out that *vide* order dated 04th June 2022 of the Trial Court, he was acquitted for the said offences.

9. In view of the above facts and circumstances considering that petitioner has been in custody for about 10 months, has no previous involvement, and the trial has yet not begun, as well as accounting for the contentions of the petitioner as regards his role in the matter, the petitioner is granted bail.

10. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner.

11. 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 first and third 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.
12. 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.
13. Copy of the order be sent to the Jail Superintendent for information



and necessary compliance.

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

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

ANISH DAYAL, J

DECEMBER 9, 2024/MK/kp