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

+ **BAIL APPLN. 4137/2024**

PANKAJ MAKHIJA

.....Petitioner

Through: **Mr. Yash Arya & Ms. Isha Arya, Advocates.**

versus

**THE STATE GOVT. OF NCT OF DELHI
AND ANR.**

.....Respondent

Through: **Mr. Aman Usman, APP for State
with SI Amit Rathee PS Paschim Vihar East.**

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

ORDER
23.12.2024

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1. This petition seeks bail in FIR No.466/2024 under Sections 117/110/3(5) BNS, P.S. Paschim Vihar East. As per nominal roll, petitioner is in custody for about 3 months, has no previous involvements and his jail conduct has been satisfactory. As regards other previous involvement under Section 307 IPC, it is informed that said FIR has been quashed.

2. Counsel for petitioner points out to a previous order dated 4th October 2024, passed by this Court whereby co-accused Akshay Mittal was granted bail in BAIL APPLN.3378/2024. It is also noted that the issue arose out of an altercation between the complainants Kunal and Rohan on one hand and petitioner and co-accused Pankaj on the other hand, in the intervening night of 29th and 30th July 2024. Initially they had an altercation on 28th July 2024, however, they had settled the matter.



3. On 29th July 2024 at about 9:30 pm, when complainant was returning from his shop, Akshay and Pankaj asked him to meet and resolve the differences and when complainant reached shop of one Nikhil, where his friend Kunal was already present, it is alleged that Akshay took out a cricket bat from his scooty and hit Kunal on his head. Various other *inter se* physical assaults were reported by the parties.

4. Counsel for petitioner points out that despite injuries on both sides, complainants have not been arrested in FIR 467/2024, while petitioner was taken into custody despite having been assaulted by a knife.

5. Since charge-sheet has already been filed, there are cross allegations and FIRs, the issue arose out of an altercation, there is no reason for continuing his custody any further.

6. APP however objects to grant of bail on the ground that injury which was inflicted by co-accused Akshay Mittal was simple one, whereas, that inflicted by current petitioner was, by a stone which he had picked up from the road, causing grievous injury. As per APP, co-accused Akshay Mittal hit Kunal with cricket stick on his head. Rohan grabbed the stick from Akshay and then Pankaj grabbed cricket stick from Rohan and hit on right hand of Rohan. Rohan again managed to take stick from Pankaj and threw it away. After that, Pankaj picked up a stone and hit Rohan.

7. Counsel for petitioner contends that injury was on the right hand of complainant, causing a fracture.

8. However, considering the facts noted above as also the fact that co-accused has already been granted bail and charge-sheet has been filed, no purpose would be served in keeping petitioner in custody any further.

9. In view of the facts and circumstances, as noted above, petitioner is admitted to bail. 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 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.

10. 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.

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

12. Accordingly, the petition is disposed of. Pending applications (if any) are



disposed of as infructuous.

13. *Dasti.*

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

ANISH DAYAL, J

DECEMBER 23, 2024/sm/na