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

+ **BAIL APPLN. 117/2025**

SAURABH RAJPUT

.....Petitioner

Through: Mr. Faiz Imam, Advocate

versus

STATE OF N.C.T. OF DELHI & ANR.

.....Respondents

Through: Mr. Amit Ahlawat, APP for the State
with SI Amit Punia, SI Mukul Tyagi,
PS Palam Village

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.04.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 0499/2024 registered under Sections 115(2)/126(2)/3(5) of the Bharatiya Nyaya Sanhita³, 2023 at P.S. Palam Village, District: South West, Delhi.

2. Briefly stated, the case of the prosecution is as follows:

2.1. On 1st September, 2024, an FIR was registered based on a complaint by the victim, Ritesh. He reported that earlier that morning, he had arrived at Palam Railway Station and proceeded to the nearby rickshaw stand to book

¹ "BNSS"

² "CrPC"

³ "BNS"



a cab for his NDA examination centre in Delhi. While at the rickshaw stand, he was suddenly surrounded by two to three individuals who, without any provocation, began arguing with him. The situation escalated quickly, and the assailants proceeded to attack him with sticks (*lathis*), ignoring his repeated pleas to stop.

2.2 Owing to the injuries sustained, the Complainant was admitted to the Hospital where he underwent three surgeries. It is pertinent to mention that the nature of injuries sustained by the victim are grievous.

2.3 During the course of investigation, CCTV footage of the incident was procured. On analysis of the same, the accused persons and the vehicle used in the commission of offence were identified. Subsequently, co-accused Ravi was arrested. He disclosed involvement of the Applicant and other co-accused persons in this incident.

2.4 Accordingly, efforts were made by the police to trace the Applicant. However, when these efforts remained unsuccessful, the Trial Court, by order dated 20th November 2024, declared the Applicant a proclaimed offender under Section 84 of the BNSS.

2.5. Subsequently, the Applicant was formally arrested on 09th December, 2024.

2.6. On 13th December, 2024, Test Identification Parade proceedings of the Applicant were conducted, wherein the victim correctly identified him. Thereafter, on 17th December, 2024, 1 day PC remand of the accused was obtained. Further, at the instance of the Applicant, the weapon of offence i.e. *lathi* was also recovered from him.

2.7. The CDR report revealed that the Applicant was present at the crime scene and maintained regular contact with other co-accused persons.



Moreover, the CCTV footage clearly shows the Applicant mercilessly beating the victim with a *lathi* thereby causing grievous injuries to him.

2.8. As regards the stage of investigation, the Chargesheet, in the present case stands filed.

3. Counsel for the Applicant urges the following grounds for seeking bail:

3.1 The investigation now stands complete with the filing of the chargesheet, and the custody of the Applicant is longer required for investigative purposes. The Applicant has been in custody since 8th December, 2024 and no purpose would be served by continuing his incarceration.

3.2 The Petitioner has been falsely implicated in the present case by the previous I.O., who was in cohorts with the main accused, Sanjay Kumar @Silvester Daniel and accordingly did not conduct the investigation in a fair manner. It is further emphasised that the previous I.O. is facing disciplinary action on the allegation of demanding a bribe and has been suspended for service misconduct in the present case.

3.3. The Applicant had no intention of evading the law. The court notices were served at an incorrect address, which led to the Applicant being wrongly declared as a proclaimed offender.

3.4. Furthermore, the present case does not warrant invocation of Section 109 of the BNS, as the nature of the injuries sustained does not suggest the intention to cause the death of the Complainant.

4. Mr. Amit Ahlawat, APP for the State, strongly opposes the bail application. He contends that both the video recording and CCTV footage clearly show the Applicant assaulting the Complainant. Furthermore, the



Complainant has correctly identified the Applicant. He submits that the injuries sustained by the victim are of grievous nature and, in view of the overall facts and circumstances, the invocation of Section 109 of the BNS is justified. It is emphasised that the Applicant was seen mercilessly attacking the victim with a *Lathi*, indicating the seriousness of the offence, and thus, bail ought not to be granted. Additionally, Mr. Ahlawat points out that the Applicant has prior criminal antecedents i.e., FIR No. 330/2024 registered under Sections 115/117(2)/126/91(3)/191(2)/351(2)/61 of the BNS at P.S.: City Rewari, Haryana. Further, Mr. Ahlawat submits that the Applicant was declared a Proclaimed Offender and therefore, there is a serious apprehension that if the Applicant is released on bail, he may abscond. He further states that the contention of the Applicant that all co-accused have been granted bail is incorrect. Two of the co-accused, namely, Narender and Jaiveer Shokeen, are still in custody.

5. The Court has duly considered the facts of the case as well as the submissions made by both parties. It is noticed that the Complainant has since been discharged from the hospital. The injuries sustained by him were on the arms and legs, comprising a total of three injuries. It is observed that one of the co-accused, Himanshu, who is also visible in the video footage of the incident, has already been granted bail by the Trial Court *vide* order dated 1st February, 2025 in BM No. 110/2025. As regards the Applicant's prior criminal antecedents [FIR No. 330/2024], it is pertinent to mention that he has been granted bail in the said case.

6. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventive. The primary aim sought to be achieved by bail is to secure the attendance of the



accused person at the trial.⁴ The chargesheet stands filed. The Applicant has been in custody since 08th December, 2024 and no purpose would be served by continuing the incarceration of the Applicant.

7. Having regard to the above and the fact that the investigation is now complete, the Court is inclined to allow the Applicant's request.

8. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- g. The Applicant shall report to the concerned PS on first friday of every

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



month;

9. In the event of there being any FIR /DD entry/ complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

10. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

11. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

APRIL 21, 2025/ab