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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 166/2024

GAURAV

.....Petitioner

Through: Mr. Rahul Thakur with Mr. Deepak
Manchanda, Advocates.

versus

THE STATE (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Tarang Srivastava, APP for the
State with SI Jatin Kaushik, P.S.: Raj
Park.

Ms. Apoorva, Advocate for the
complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

24.01.2025

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By way of the present petition filed under section 439 of the Code of Criminal Procedure 1973, the petitioner seeks regular bail in case FIR No. 684/2022 dated 19.11.2022 registered under sections 307/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Raj Park, Delhi.

2. Notice on this petition was issued on 31.01.2024. Status Report dated 28.02.2024 has been filed. Nominal Roll dated 15.04.2024 has also been received from the Jail Superintendent.
3. After completing investigation, chargesheet has been filed in the matter; and 15 of the 18 prosecution witnesses are stated to have been examined before the learned trial court so far. The 03 witnesses left to be examined are stated to be formal witnesses.
4. Mr. Rahul Thakur, learned counsel appearing for the petitioner submits, that the allegation against the petitioner is that he caught



hold of the victim/Kunal @ Kaku; and that thereafter he took a knife from co-accused/Paras @ Parshant and attacked the victim with that knife and then ran-away from the spot.

5. Counsel further submits, that as will be seen from the MLC of the injured victim, there were certain incised wounds in the rib area, in the thoracic region and in the lower back of the injured, which injuries have been opined as 'simple' in nature.
6. Counsel states that after the alleged incident the injured was conscious and was discharged from the hospital on the same day after administering treatment.
7. Counsel points-out, that as would be seen from his nominal roll, the petitioner has been in judicial custody since the time of his arrest, *i.e.* on 19.11.2022 and has spent more than 02 years as an undertrial; his jail conduct has been 'satisfactory'; and that he has no other criminal involvement.
8. Counsel states that prosecution evidence is nearly complete; but the petitioner would also lead the defense evidence; and it will take a long time for the trial to conclude.
9. In the circumstances, it is prayed that the petitioner be admitted to regular bail.
10. Mr. Tarang Srivastava, learned APP appearing for the State however opposes the grant of regular bail, submitting that the petitioner was identified by the injured victim/PW-5 in his court deposition recorded on 22.09.2023; that the injured was 'minor' at the time when the offence was committed upon him; and that the injured and other public witnesses have supported the prosecution case.



11. Learned APP submits that only 03 prosecution witnesses remain to be examined, who are formal witnesses; and trial would be completed soon.
12. The court has also heard Ms. Apporva, learned counsel appearing for the complainant, who submits that the petitioner has been extending threats to the injured and his family through his relatives. However, no specifics or particulars in relation to such alleged threats have been cited. No complaint appears to have been made to the police in regard to such alleged threats, either.
13. Nominal Roll dated 15.04.2024 records that the petitioner has suffered judicial custody for more than 02 years; his jail conduct is recorded as 'satisfactory'; and that he has no other criminal involvement.
14. As a sequitur to the above, and on an overall consideration of the circumstances of the case, the court is persuaded to grant to the petitioner – **Gourav s/o Ram Pravesh** – *regular bail* pending trial, subject to the following conditions :
 - 14.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial court;
 - 14.2. The petitioner shall furnish to the Investigating Officer/S.H.O a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;



- 14.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 14.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 14.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.
15. Since the petitioner is facing trial and is therefore appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
16. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
17. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
18. The petition stands disposed-of.
19. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

JANUARY 24, 2025

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