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

+ **BAIL APPLN. 314/2025**

**DEVRAJ (S/O) NARESH KUMAR (IN JC/ THROUGH HIS
PAIROKAR)**

.....Petitioner

Through: Mr. Vaibhav Gaggar, Senior
Advocate with Mr. Somdev Tiwari
and Ms. Kanishka Pandey,
Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Ms. Manjeet Arya, APP for the State.
SI Rahul Kumar, P.S.: Nihal Vihar.
Mr. Karan Bhardwaj and Mr.
Siddharth Sheoran, Advocates for the
complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

07.03.2025

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By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No. 40/2025 dated 11.01.2025 registered under sections 123/309(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') at P.S.: Nihal Vihar, Delhi.

2. Notice on this petition was issued on 24.01.2025; pursuant thereto Status report dated 24.02.2025 has been filed and Nominal Roll dated 27.02.2025 has also been received from the Jail Superintendent.



3. Pursuant to intimation served, the complainant/Tejpal is present in court alongwith his counsel.
4. Learned counsel appearing for the petitioner submits, that the petitioner is a 20-year-old student, who is accused of having attempted to rob an iPhone from a Flipkart delivery boy by spraying pepper spray in his eyes, which is the basis of the allegation under section 123 BNS (causing hurt by means of poison, etc., with intent to commit an offence) and section 309 BNS (robbery).
5. Counsel submits, that a pepper spray is not a poisonous substance within the meaning of section 123 BNS; and the cellphone alleged to have been snatched was immediately returned to the delivery boy.
6. Ms. Manjeet Arya, learned APP appearing for the State submits, that whether the spray deployed was a pepper spray or not is to be seen, since the FSL report is still awaited. Learned APP submits, that they have collected CCTV footage which shows the commission of the offence by the petitioner; and the wanton nature of the offence deserves to be dealt-with strictly.
7. The court has heard learned counsel for the complainant as well as the complainant. The complainant submits, that considering the nature of the offence, he does not wish to pursue the matter any further and does not oppose the grant of bail to the petitioner. The complainant further submits that he would give a 'no-objection' to the quashing of the subject FIR.
8. The nominal roll shows that, as of 27.02.2025, the petitioner has suffered judicial custody for about 1½ months; that his jail conduct is 'satisfactory'; and that he has no other criminal involvements.



9. In view of the foregoing, without delving further into the matter, considering the petitioner's age and the fact that he is a student, as also the 'no-objection' offered by the complainant, this court is persuaded to grant to the petitioner – ***Devraj @ Dinesh s/o Naresh Kumar*** – *regular bail* pending trial, subject to the following conditions :

- 9.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the learned trial court;
- 9.2. The petitioner shall furnish to the Investigating Officer 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;
- 9.3. 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;
- 9.4. 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
- 9.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.



10. 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.
11. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
12. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
13. The petition stands disposed-of.
14. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

MARCH 7, 2025/ak