



\$~5

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

+ **BAIL APPLN. 444/2025**

SH SONU

.....Petitioner

Through: **Mr. Lakhan Singh and Ms. Shweta
Yadav, Advocates.**

versus

THE STATE GOVT. OF N.C.T. DELHI

.....Respondent

Through: **Ms. Meenakshi Dahiya, APP for State
with SI Neeraj Kumar and SI
Gajender Singh, P.S.Model Town**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

19.02.2025

%

1. Application under Section 439 of *Code of Criminal Procedure, 1973* ('Cr.P.C' *hereinafter*) /483 of *Bharatiya Nagarik Suraksha Sanhita, 2023* ('BNSS' *hereinafter*) has been filed for grant of bail to the Applicant-Sonu in FIR No.546/2023 under Sections 307/323/341/34 of *Indian Penal Code, 1860* ('IPC' *hereinafter*), P.S.Model Town.

2. It is submitted that the first Bail Application filed before the learned Sessions Judge has been dismissed on 19.10.2024. There is undue delay in the trial due to non availability of FSL Report and the trial is not likely to get concluded soon. The co-accused, younger brother Kamal (C.C.L) who is the main accused, has already been released on bail by the Juvenile Justice Board. The bail of co-accused Vivek has been dismissed on 13.08.2024 by this Court. The Applicant



is in judicial custody since 20.09.2023. The Chargesheet has already been filed in the Court. It is, therefore, submitted that the Applicant be granted bail and he undertakes to abide by any of the conditions that may be imposed.

3. The **Status Report** has been filed on behalf of the State wherein it is asserted that there are multiple injuries with knife were inflicted by the main accused while the Applicant along with the co-accused Vivek had assisted him by holding the Complainant in inflicting the injuries. The Chargesheet already stands filed.

4. The bail is opposed on the ground that the offence is of a serious nature and that the statement of the two eye witnesses Gopal Singh and Limsangkai @ Jeff are yet to be recorded. There is an apprehension that threat may be extended to the eye witnesses.

5. **Submissions Heard. Record perused.**

6. Admittedly, the Chargesheet got filed and the statement of the Complainant has been recorded and the testimony of Complainant could not be recorded on account of non availability of FSL Report. It is evident that the FSL Report is still awaited and which may take sometime to be submitted before the Court. The accused is in judicial custody since 20.09.2023. The Discharge Summary of the injured reflects that he had superficial horizontal incised wounds of size 7 and 10 cm over left upper and lower back respectively. He was admitted in the hospital on 20.09.2023 and discharged on the next date i.e. on 21.09.2023 after suturing of wounds under Local Anaesthesia.

7. In so far as rejection of bail of Vivek by this Court *vide* Order dated 13.08.2024 is concerned, it is pertinent to observe that since



then the statement of the Complainant has not concluded.

8. The Apex Court in Union of India v. K.A. Najeeb (2021) 3 SCC 713 has observed that courts are obligated to release the undertrial prisoners on bail if there is a delay in trial. It was further observed that fundamental right of liberty provided under Article 21 of the Constitution is superior to statutory restrictions and reiterated the principle that “*bail is the rule and refusal is an exception*”.

9. Considering the totality of the circumstances as narrated above, the Petitioner is admitted to Bail in FIR No. 546/2023, under Section 307/323/341/34 IPC, P.S. Model Town upon his furnishing a personal bond in the sum of Rs. 20,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions: -

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing;
- b) Petitioner shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times;
- c) Petitioner shall inform the IO and the Jail Superintendent the address where he shall be available in Delhi;
- d) Petitioner shall not try to contact, threaten or influence any of the witnesses of this case; and
- e) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

10. The Registry is further directed to communicate this Order to the learned Trial Court and as well as to the concerned Jail Superintendent.



11. Accordingly, the present Petition is disposed of.

NEENA BANSAL KRISHNA, J

FEBRUARY 19, 2025

rk