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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 553/2025**
ISHAN SHARMAPetitioner

Through: Mr. Lakhmi Chand, Mr. Mayank, Mr.
Dhruv Rawat, Mr. Balwant Singh,
Mr. Mukul Koli, Mr. Sameer Singh
and Ms. Yogita, Advocates.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Mukesh Kumar, APP.
SI Ashutosh Mishra, P.S. Mehrauli,
Delhi.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
09.04.2025

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1. The Applicant seeks pre-arrest bail in proceedings arising from FIR No. 298/2023, dated 13th June, 2023, under Section 307/34 of the Indian Penal Code, 1860 at P.S. Mehrauli.¹

2. In brief, the case of the prosecution is as follows:

2.1. On 12th June 2023, a PCR call was received at PS Mehrauli regarding a stabbing incident at Mehta Tailor Wali Gali, Ward No. 8, Mehrauli. ASI Ashok and team responded and found that one person, Rohit, had been brutally assaulted by 3–4 individuals at H.No. 838/8, Raj Hans Apartment. The injured was taken to JP Narayan AIIMS Trauma Centre, where doctors declared him unfit for recording statement due to head injuries.

¹ “IPC”



2.2. Accordingly, the statement of Ms. Meena Gupta/Complainant, who accompanied the injured to the hospital was recorded. She stated that she runs a salon and Rohit, the injured, was working in her shop. She explained that she had lent money (INR 45,000/-) to one Sapna Sharma, her business associate, who was to return the same the same by 10th June, 2023. On 12th June, 2023, Sapna instructed her to collect the money from her brother Uddeshya Sharma. She stated that she and Rohit went to collect INR 40,000 from Sapna's brother, Uddeshya Sharma, at his house, as instructed by Sapna. On arriving at the location, Uddeshya Sharma explained that he had only INR 20,000 and was asking someone to bring the balance amount. Soon after, two other boys arrived, and all three including Uddeshya Sharma, assaulted Rohit—Uddeshya attacked the injured with a frying pan and one of the other two accused with a helmet —until he lost consciousness. PCR was called, and the victim was hospitalized. Based on the complaint, a case was registered, and Uddeshya Sharma was arrested. Efforts were made to arrest the other two accused, identified as Subham @ Sube and Ishan, but they were found to be absconding. The victim's MLC recorded that the injuries were "simple" in nature.

2.3. The charge sheet has been filed before the Court on 13th May, 2024 against accused Subham @ Sube and Uddeshya Sharma and trial is at the stage of prosecution evidence.

3. Counsel for the Applicant, on the other hand, contends as follows:

3.1 The Applicant has been wrongly implicated in the present case. Furthermore, the chargesheet has already been filed, and notably, the Applicant has not been named as an accused therein.

3.2. The Applicant has no prior antecedents.



3.3 The main accused, Mr. Uddeshya Sharma, as well as the co-accused, Subham @ Suby, have been granted bail by the Trial Court *vide* orders dated 23rd June, 2023 and 19th October, 2024, respectively. Accordingly, the Applicant is also entitled to the grant of pre-arrest bail on the ground of parity.

3.4 During the pendency of the trial proceedings, the Applicant and the Complainant have amicably resolved their disputes. In this regard, a petition seeking quashing of the FIR, titled ***Uddeshya Sharma vs. State of NCT of Delhi & Ors.***, bearing CRL (MC) No. 1171/2024, has been filed before this Court. Furthermore, the Applicant and the Complainant have entered into a Memorandum of Understanding dated 8th October 2024,² whereby they have mutually settled all their disputes. In light of the said settlement, the Complainants, in the MoU, have expressly stated that they have no objection to the grant of bail to the present Applicant.

4. Mr. Mukesh Kumar, APP for the State, opposes the bail application. However, he confirms that the Applicant has no prior antecedents and in compliance of order dated 10th February, 2025, the Applicant joined the investigation 11th February, 2025 and had been interrogated at the length.

5. Heard. In compliance with the directions issued by this Court, the Applicant has joined the investigation and appeared before the Investigating Officer, where he was thoroughly interrogated. As confirmed by Mr. Kumar, the Applicant has no prior criminal antecedents. The chargesheet in the present matter was filed before the Trial Court on 13th May 2024 against the accused namely Shubham @ Sube and Uddeshya Sharma. The case is presently at the stage of recording prosecution evidence and the other co-



accused have been granted bail by the Trial Court. During the course of investigation, the MLC of the victim was obtained, wherein the concerned medical officer opined that the nature of the injury sustained was “simple.” Furthermore, it appears that the matter has since been amicably settled between the parties.

6. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.³

7. In light of the foregoing and the fact that the Applicant has joined investigation and has no prior antecedents the application is allowed. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;

² “MoU”

³ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



8. 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.
9. 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.
10. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

APRIL 9, 2025

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