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

+ **BAIL APPLN. 732/2025**

MOHD. TAUFIQ

.....Petitioner

Through: Mr. Arun Sharma and Mr. Bishnu
Kumar, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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13.10.2025

1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 238/2024, registered at Police Station Hauz Qazi, Delhi, for the commission of offences punishable under Sections 109(1)/3(5) of Bharatiya Nyaya Sanhita, 2023 (hereafter '*BNS*').
2. Briefly stated, the FIR was registered on the complaint of one Ubaid who alleged that on 17.08.2024, at around 5:00 PM, he had gone to the house of his friend Anas to fly kites. At that time, the accused persons were also flying kites from the rooftop of their house across the street. A dispute arose between the parties over kite flying, which subsequently escalated into a verbal altercation. Thereafter, the complainant had visited the residence of the accused persons to resolve the matter and had verbally complained to a person named Akhlaq, who had assured him that he would speak to their



father regarding the incident. At about 7:00 PM, while the complainant was sitting outside a gym near the school, it is alleged that the accused persons had approached him and had begun assaulting him. Accused Aleem had allegedly struck the complainant on the back of his head with a sharp-edged weapon (a paper cutter) while the other two had restrained him, thereby causing serious injuries to the complainant. It is alleged that public had gathered at the spot and had also assaulted the accused Aleem. On 18.08.2024, Mohd. Aleemuddin @ Aleem and Mohd. Taufiq (present applicant) were arrested, and the weapon used in the commission of offence was recovered at Taufiq's instance. Blood-stained clothes were also seized. After completion of investigation, chargesheet was filed against the accused persons.

3. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case. It is contended that the injury has been opined as simple in nature, as recorded in the MLC and the charge sheet. It is stated that the applicant has been in judicial custody since 18.08.2024, and no further custodial interrogation is required. The applicant has no criminal antecedents and is not involved in any other case. It is further argued that the incident arose from a trivial matter, occurred in the heat of the moment, and the prosecution's own version suggests that the complainant, along with his friend, had approached the accused's residence to confront the accused's brother. Thus, the circumstances indicate that the accused did not act with pre-conceived intention, which is a crucial ingredient for the offence under Section 109(1) BNS/Section 307 of IPC. It is thus prayed that the applicant be granted regular bail.

4. The learned APP for the State, on the other hand, contends that the



offence allegedly committed by the accused is serious in nature, as the complainant had sustained injuries on his head inflicted with a sharp-edged weapon. It is further argued that the applicant resides in the same vicinity as the complainant, which creates a likelihood of him influencing the witnesses. In view of these submissions, it is submitted that the applicant be not granted bail.

5. This Court has heard arguments addressed on behalf of the applicant as well as the State, and has perused the material on record

6. This Court has perused the material on record and is of the opinion that the incident *prima-facie* appears to have originated from a minor altercation, which subsequently escalated into a serious confrontation between the complainant and the accused persons and led to commission of alleged offence.

7. The allegations against the present applicant are that he had caught hold of the complainant/victim, while co-accused had caused injuries to him. However, the medical opinion recorded in the MLC indicates that the complainant had sustained simple injuries. Additionally, the photographs annexed with this petition and the MLC of the brother of the applicant/accused placed before this Court show that he too had sustained injuries during the same altercation.

8. The present applicant is a young person with no prior involvement in any criminal case. Further, the applicant/accused has been in judicial custody since 18.08.2024. The chargesheet stands filed, charges have also been framed against the applicant, and the trial will take considerable time to conclude.

9. Considering the overall facts and circumstances of the case, and for



the reasons recorded hereinabove, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.20,000/- with surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall surrender his passport and not leave the country without prior permission of the concerned Court.
 - ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses, or tamper with the evidence in any manner.
 - iii) The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
 - iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
 - v) The applicant shall appear regularly before the learned Trial Court.
10. Accordingly, the present application stands disposed of.
11. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 13, 2025/vc