



2025:DHC:1738



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

% *Date of Decision: 18.03.2025*

+ BAIL APPLN. 646/2024

SANDEEP @ MONU

.....Petitioner

Through: Mr. P. Singh, Mr. Shinu Gupta,
Mr. Vikram Singh & Mr.
Sudhir Goswami, Advs.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for
State.
SI Sanjay Kumar PS Karawal
Nagar.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J. (ORAL)

1. The present application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) has been filed by the petitioner, seeking regular bail in FIR No.361/2022 under Sections 307 and 34 of the Indian Penal Code, 1860 (IPC) and Sections 25, 54 and 59 of the Arms Act, 1959 (Arms Act) registered at Police Station Karawal Nagar.

2. We may first briefly note the facts of the case. Slightly more than a fortnight prior to the incident that led to the filing of



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aforementioned FIR, the petitioner/applicant here had quarreled with the brother of the complainant over some matter pertaining to his sister. During this quarrel, the brother of the complainant slapped the petitioner/applicant and the petitioner/applicant threatened to deal with him later.

3. On 04.08.2022, at around 5pm, the complainant was returning from his job when the three accused persons named in the FIR, including the petitioner/applicant, blocked his way and pushed him inside the Mandir. The petitioner/applicant then took out a knife and stabbed the complainant on his left arm and chest under arm. All the accused thereafter fled the scene. The complainant was taken to GTB Hospital where the doctor opined that the injury was grievous. On investigation, all the three accused were arrested and the said knife was recovered from the pocket of the petitioner/applicant.

4. The petitioner/applicant was implicated in the said case and was sent to Judicial Custody on 05.08.2022, where he has been since. The first bail application of the petitioner/applicant was rejected on 04.01.2024 by the learned ASJ, who held that the nature of the allegations, conduct of the accused and other attendant circumstances were serious and therefore, bail could not be granted.

5. The learned counsel for the petitioner/applicant submits that the petitioner/applicant is the only earning member of his family and there is no one to look after his family in his absence. He submits that the Charge-sheet has been filed, the main witness and the supporting



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witness have been examined and the report of the FSL has been filed as well and therefore, he be released. He further submits that the witness Anuj @ Vipin has not supported the case of the prosecution.

6. The learned counsel submits that the other two co-accused persons, namely, Rohit & Vineet, have been granted bail in the year 2023. He further submits that the petitioner has clean antecedents and no other case is pending against him.

7. Conversely, the learned APP for the state contends that the role of the accused was graver than that of the other two co-accused persons, as he was the one who actually inflicting knife blow upon the complainant. He further submits that on examination of the statements of the prosecution witnesses, specifically the oral examination of PW-3, it is evident that the offence committed by the petitioner was pre-meditated and therefore, he not be released on bail.

8. He further submits that on examination of statement of prosecution witnesses specifically PW-3, who is the sister of the complainant, it is stated that the petitioner used to stalk her on his motorcycle. He was in the habit of driving his motorcycle in rash and negligent manner. She narrated the entire incident to her brother.

9. In rebuttal, the learned counsel for the petitioner submits that no police complaint has been lodged by PW-3 with regard to the said fact. Hence PW-3 has merely made a bald assertion.

10. Heard the learned counsel for the parties and perused the material available on record.



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11. The role of the present petitioner/applicant, as per prosecution's case, is that two co-accused persons held the hands of the complainant/injured person and the petitioner/applicant stabbed him.

12. The nominal roll dated 04.04.2024 reflects that the petitioner/applicant has been in custody since 05.08.2022 and as on date, he has been in custody for a period of 2 years 7 months and 14 days. The nominal roll also shows that the petitioner/applicant is not involved in any previous case. In addition to this, co-accused persons, namely, Rohit and Vineet have already been granted bail by this Court *vide* the Orders dated 15.09.2023 and 11.12.2023 respectively.

13. The statements of six material prosecution witnesses have been recorded. The PW-6 Anuj has not supported the case of the prosecution. It is needless to say that the appreciation of evidence, as recorded during the trial, shall be considered by the learned Trial Court at the appropriate stage.

14. In view of the above, the present application is allowed. The petitioner/applicant is admitted to bail on his furnishing a personal bond in the sum of ₹30,000/- with one surety bond of the like amount, subject to the satisfaction of the Trial Court/ CMM/ Duty Magistrate, further subject to the following conditions:

- i. *The applicant shall not leave India without prior permission of the Learned Trial Court.*
- ii. *The applicant shall report at P.S. Karawal Nagar every Saturday at 4:00 P.M. The concerned officer shall release*



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the applicant by 5:00 P.M. after recording his presence and completion of all necessary formalities.

- iii. *The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change of residential address.*
- iv. *The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.*
- v. *The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.*
- vi. *The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.*

15. A copy of this Order be sent to the Jail Superintendent concerned for information and necessary compliance.

16. It is made clear that this Court has not expressed any opinion on the merits of the petitioner/applicant's case.

17. Accordingly, the application is disposed of.

SHALINDER KAUR, J

MARCH 18, 2025/ab/FRK

Click here to check corrigendum, if any