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

+ **BAIL APPLN. 771/2025**

RAHUL JAIN

.....Applicant

Through: Mr. Rahul Sambher, Mr. Siddharth S. Yadav, Mr. Kashish Ahuja and Mr. Ayush Kr. Singh, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for State with SI Laxmi, PS: North Avenue

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **20.02.2025**

CRL.M.A. 5577/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition has been filed seeking the following relief of pre-arrest bail: -

Release the Applicant on bail in the event of his arrest in FIR No. 60/2024, dated 20.10.2024 registered at Police Station North Avenue, District: New Delhi under Section 190/191(2)(3)/115(2)/109(1)/3(5) BNS, 2023.

Brief facts

4. The brief facts relevant for the adjudication of the present application as are that in the FIR No. 60/2024 lodged on 20.10.2024 was registered at PS. North Avenue, District New Delhi, under Section



190/191(2)/191(3)/115(2)/109(1)/3(5) Bharatiya Nyaya Sanhita, 2023 ('BNS'), based on a complaint of one Dheeraj. It is stated in the FIR that on the said date, the complainant along with Deepak, Vineet, Ricky and Pawan were present at Gate No. 5 of RML Hospital as they had gone there for the medical examination of Ricky and Pawan upon whom injuries which were inflicted by co-accused Anuj. It is stated that they were waiting for the arrival of the police since the hospital refused to register MLC in the absence of police officials.

5. It is stated in the FIR that they were about to cross gate No. 5, when uncle of Anuj namely Ramesh approached the complainant and took out a button actuated knife from his (Ramesh) pocket. However, complainant held the hand of Ramesh.

6. It is further stated that in the meantime Sonu started physically assaulting Vineet and pushed him to the ground. Immediately thereafter, one Murgan (other uncle of Anuj) exhorted and induced Gaurav to inflict knife injuries upon the complainant and his associates. It is stated that Gaurav attacked the complainant with a knife which hit him on his side, and this resulted in complainant losing the grip of the hand of Ramesh. It is stated that thereafter, co-accused Ramesh attacked Vineet with the knife which hit him on his neck.

7. It is stated that Deepak tried to rescue the complainant and his associates, however, Applicant/Rahul along with co-accused Ankush and Karan attacked Deepak to stop Deepak from saving the complainant. It is stated that co-accused Gaurav attacked Deepak with a knife that hit his arm. It is stated that the complainant and his associates in order to save themselves hurled bricks lying there towards the Applicant/Rahul and his



associates and fled from the scene; and after a short while returned to the hospital for treatment where the police had arrived.

8. It is stated in the FIR that injured persons namely complainant-Dheeraj, Deepak and Ricky were medically examined, and their MLCs prepared according to which they sustained simple injuries.

9. It is stated that the investigation qua the 04 co-accused persons namely Murgan, Ankush, Anuj and Karan have been concluded and charge-sheet against them has been filed.

Submissions of the Applicant and the State

10. It is stated that a cross-FIR No. 61/2024 dated 20.10.2024 was also registered at PS. North Avenue, District New Delhi, under Sections 190/191(2)/115(2)/109(1)/3(5) BNS, 2023, at the instance of Anuj. It is stated that in the said cross-FIR the role of Applicant/Rahul was explained and role was limited to that of accompanying Anuj along with Ramesh, the complainant's uncle to the hospital.

11. It is stated that Applicant is apprehending the arrest in FIR No. 60/2024.

12. It is stated that previously the Applicant filed an application registered as Bail Application no. 117/2025 before ASJ/Special Judge, Patiala House, New Delhi seeking Anticipatory bail wherein he was granted interim bail vide order dated 23.01.2025 till the next hearing on the grounds that the allegations against the Applicant were of using fists and giving blows. Therefore, Applicant/accused Rahul Jain was directed to join the investigation as and when required by the IO.

13. It is stated that however, the application seeking Anticipatory bail was dismissed vide order dated 11.02.2025 on the ground that after perusal of



CCTV footage the Trial Court was prima facie of the view that the act of the co-accused persons was in furtherance of their common intention to cause death of the complainant and his associates and that the offence is of grave nature.

14. Learned counsel for the Applicant states that the incident in question is dated 19.10.2024.

15. He states that the main accused Anuj also sustained injuries and the Applicant along with his associates had taken the main accused Anuj to RML Hospital for treatment, when a physical altercation broke out between Anuj and his associates on one hand and Dheeraj and his associates on the other hand.

16. He states that this led to filing of subject FIR No. 60/2024 at the instance of Dheeraj and his associates.

17. He states FIR No. 61/2024 was filed at the instance of Anuj. He states that the applicant was only present at the hospital to assist Anuj in getting the treatment.

18. He states that since no weapon was being used by the Applicant at the time of the alleged incident and no recovery is to be affected, the Applicant is not required to any custodial interrogation.

19. He states that Applicant remains ready and willing to join the investigation.

20. **Issue notice.** Learned APP accepts notice.

21. He states that an FIR No. 61/2024, there are four accused who were arrested and all of them have been enlarged on bail. He states that in the present FIR No. 60/2024 as well co-accused Ankush and co-accused Karan have been enlarged on regular bail.



22. He states that it is a matter of record that there was a fight between both the groups and the complainant suffered simply injury in the subject FIR No. 60/2024.

23. He states on instructions from the IO that the custodial interrogation of the Applicant is not required.

24. This Court has heard the submissions of the parties.

25. In view of the allegations of a group fight leading to registration of cross-FIRs and considering the nature of allegations levelled against the Applicant herein, this Court is satisfied that the Applicant has made out a case for grant of pre-arrest bail; more so, since he is ready to join and cooperate in the investigation. Moreover, the I.O. as well has confirmed that he does not require the Applicant for any custodial interrogation.

26. In light of the above, the Court is of the considered opinion that the Applicant is entitled to anticipatory bail. Consequently, in the event of arrest, the Applicant be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the arresting officer/IO/SHO concerned, further subject to the condition that the Applicant will join investigation as and when directed and not influence any witness/complainant/victim or tamper with evidence of the case.

27. The Applicant shall appear before the Investigating Officer ('IO') on 22.02.2025 at 11:00 A.M. and join and cooperate in the investigation as and when called by the IO.

28. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

29. The digitally signed copy of this order, duly uploaded on the official



website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 20, 2025/rhc/akp