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

+ **BAIL APPLN. 871/2025**
VINAY

.....Petitioner

Through: Mr. Pavitra Veer Singh, Ms. Shinu Gupta, Mr. Harshit Rohilla and Mr. Mahesh Kumar, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Arun Kumar, P.S. Prem Nagar and
SI Om Prakash, main IO.
Mr. Yogesh Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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27.03.2025

1. This hearing has been done through hybrid mode.
2. The present application under Section 482 read with 528 of the BNSS seeks anticipatory bail in case FIR No. 584/2024, under Sections 109(1)/118(1)/3(5) of the BNS and Sections 27/57/59 of the Arms Act, registered at P.S. Prem Nagar.
3. Status Report dated 27.03.2025 was handed up in Court and the same is taken on record. The case of the prosecution as per the Status Report is that on 10.11.2024, a PCR call *vide* DD No. 09A regarding a stabbing incident was received at P.S. Prem Nagar. During the course of the inquiry, concerned Police personnel from the said police station reached at the spot and detained four individuals, namely, Saurav, Farhan, Gaurav and Lucky. It is stated that the PCR team had already taken the injured persons to Sanjay Gandhi Hospital, Mangolpuri, Delhi.
4. It is stated that the injured persons were also referred to Safdarjung



Hospital for further treatment. At the said hospital, SI Omprakash recorded the statement of Md. Rasid, who stated that on the intervening night of 9/10.11.2024, at approximately, 12:30 AM, he and his brother were going towards home and near A-320, Gali No. 2, Agar Nagar, Prem Nagar-3, Delhi, they saw three-four individuals assaulting a child. It is alleged that when the complainant and his brother intervened, the assailants-Saurav, Farhan, Gaurav and Lucky attacked them with knives and physically assaulted them. It is further alleged that the two other individuals, Vinay (present applicant) and Rahul also arrived on a bike and attacked them.

5. It is the case of the prosecution that while the beat staff apprehended four of the assailants, the present applicant alongwith Rahul fled after abandoning their bike.

6. During the course of the investigation, it is stated that the CCTV footage of the incident was obtained from PWD, GNCT, Delhi. Upon analysis, it was found that the applicant was present on the spot and after his associates had stabbed the complainant and his brother, the applicant was continuously beating the complainant and his brother for more than 15 minutes.

7. Learned counsel for the applicant submits that during the course of his bail application before learned ASJ, he had been granted interim protection and in pursuance of which, he had joined the investigation, however, the report given by the Investigating Officer before the said Court was that he was not cooperating. It is submitted that the applicant is an innocent person and has no previous involvement. It is further submitted that the bike which was seized at the spot, belongs to co-accused Rahul. In these circumstances, it is prayed that anticipatory bail be granted.



8. *Per contra*, learned APP for the State, on instructions of the Investigating Officer, submits that the CCTV footage clearly shows that the present applicant along with co-accused Rahul had come to the spot after the stabbing incident and subsequently was seen beating the victims, whose statements have already been recorded. It is further submitted that the complainant Md. Rasid had given a complaint in writing to the concerned SHO stating that the family members of Vinay had called from their phone, the details of which had also been given to the Investigating Officer.

9. Heard learned counsel for the parties, perused the records and the CCTV footage.

10. The case of the victim in his statement before the Investigating Officer is that after receiving stab injuries, the present applicant along with co-accused reached the spot and gave beatings to him. Thus, the victim was already injured after being stabbed, when the applicant along with co-accused Rahul came to the spot and started beating him mercilessly. In these facts and circumstances, no case for anticipatory bail is made out. Accordingly, the application is dismissed and disposed of.

11. Pending application(s), if any, also stands disposed of.

12. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.

13. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 27, 2025/bsr/pr

Click here to check corrigendum, if any