



2025:DHC:2062



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

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Date of Decision: 27.03.2025+ **BAIL APPLN. 945/2025**

GAURAV

.....Petitioner

Through: Mr. Varun Deswal and Mr. Siddharth
S. Yadav, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP with SI
Laxmi Narain, PS North Avenue**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. Petitioner, who is a Proclaimed Offender, seeks anticipatory bail in case FIR No. 60/2024 of PS North Avenue for offences under Section 190/191(2)(3)/115(2)/109(1)/3(5) BNS, 2023.

2. Briefly stated, prosecution case is as follows. On 19.10.2024, at about 10:00 pm, the complainant Dheeraj along with Deepak and Vineet was sitting at a local restaurant/kiosk, where Ricky and Pawan met them. Ricky had suffered head injury and informed that on account of money dispute, he had a quarrel with Pawan and Anuj and in the process, he as well as Anuj suffered injuries. On this, Dheeraj, Deepak and Vineet took Ricky and Pawan for medical treatment to Dr. RML Hospital, where Ricky and Pawan

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refused to get their MLCs prepared. In the hospital, they also found Anuj and his companions Ankush, Karan, Sonu, Ramesh, R. Murgan, Gaurav and Rahul besides another boy taking their treatment. Seeing them, Dheeraj and his friends came out of the hospital and started waiting for the police at gate no.5. Thereafter at about 01:30am, Anuj along with his above named companions came out of the hospital and Ramesh challenged Dheeraj, after which there was exchange of hot words. The boys accompanying the petitioner Gaurav exhorted his companions to assault the other group, on which Ramesh took out a buttoned knife from his pocket, but Dheeraj caught hold of his hand. In the meanwhile, Sonu started beating Vineet and fell him down. At that moment, R. Murgan exhorted Gaurav to kill the boys of the other group, on which Gaurav with the intention to kill Dheeraj gave knife blow which fell on his armpit due to which Ramesh extricated himself and again tried to assault Vineet with knife, which blow fell on neck of Vineet. In the meanwhile, when Deepak tried to intervene, Gaurav assaulted Deepak and the knife blow fell on his arm. To save themselves, Dheeraj and his friends started throwing bricks on the other side and fled away.

3. In the above background, learned counsel for petitioner submits that it is a fit case to grant anticipatory bail because in the cross case registered by the police, all accused persons were released on bail after their arrest. It is also argued that since in the very first PCR call, the petitioner was not named, it shows that he has been falsely implicated. Learned counsel for petitioner also argued that the IO recorded statement of Dheeraj without obtaining fitness certificate from doctor on MLC of Dheeraj. It is further



alleged that statement of Dheeraj was recorded belatedly. Learned counsel for petitioner also argued that since the injuries allegedly caused by the petitioner were found to be simple, the petitioner deserves anticipatory bail. Learned counsel also argued that it is not possible to cause lacerated wound with a knife. It is also submitted that since the knife allegedly used by the petitioner has already been recovered at the instance of co-accused Karan, there is no necessity to arrest the petitioner.

4. On the other hand, learned prosecutor submitted the status report which is accepted across the board, to be scanned and made part of record. Copy has already been supplied. Learned prosecutor also showed me, on the mobile phone of the IO, the CCTV footage of the incident and contended that such blatant lawlessness that too outside a hospital cannot be taken lightly. Further, it is submitted that the petitioner has already been declared a Proclaimed Offender in this case, so this court has to be cautious while deciding this application for anticipatory bail.

5. Learned counsel for petitioner now submits that the petitioner joined investigation twice. But it appears that he joined investigation only under protection granted by the predecessor bench in the earlier orders and according to prosecution, he did not cooperate in the investigation and remained evasive.

6. Presence of the petitioner on the spot and at the time of incident is not disputed. Rather, the accused party lodged a cross case against the other



side. The CCTV footage is a vital piece of evidence in this case and the same clearly depicts the dangerous manner in which the petitioner stabbed the victims. Such kind of violence, that too at a public place is certainly not acceptable.

7. So far as the injuries suffered by the victims, location of those injuries allegedly caused by the petitioner is dangerously close to vital organs and could have turned fatal.

8. This court can also not ignore that till approaching this Court, the petitioner was absconding and had to be declared Proclaimed Offender. Learned counsel for petitioner now alleges that the petitioner was wrongly declared as Proclaimed Offender despite order dated 31.01.2025 of the learned Court of Sessions. Learned prosecutor submits that this is not correct submission. As per the copies of orders produced by learned prosecutor, immediately after recording the statements under Section 82 CrPC, the petitioner was declared Proclaimed Offender and it appears that the learned Court of Sessions dealing with the anticipatory bail application of the petitioner was informed only about recording of the statement and not declaration of the petitioner as Proclaimed Offender. In any case, the petitioner in these or any other proceedings has not challenged his having been declared as Proclaimed Offender.

9. It is not a case of regular bail after arrest. It is a case of anticipatory bail. Granting anticipatory bail in a case of such blatant assault with the use



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of dangerous weapons, that too captured on CCTV footage would send very wrong signals across the society. Personal liberty is certainly important. But the criminality with such impunity cannot be encouraged. One needs to watch the CCTV footage of the assault in order to truly understand the alarming lawlessness of the two groups, including the present petitioner. The other members were not granted anticipatory bail; they were released on bail only subsequent to arrest. What the petitioner expects is grant of anticipatory bail despite the abovementioned evidence.

10. In view of above discussion, I am unable to find it a fit case to grant anticipatory bail to the petitioner. Therefore, the application is dismissed.

**GIRISH KATHPALIA
(JUDGE)**

MARCH 27, 2025/rk

Click here to check corrigendum, if any