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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1019/2025**
JATINPetitioner

Through: Ms. Sunita Arora, Advocate

versus

STATE NCT OF DELHIRespondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Arun Kumar, P.S.
Prem Nagar, Delhi

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER
16.04.2025

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 663/2023, registered at Police Station Prem Nagar, Delhi, initially for the offence punishable under Sections 324/34 of the Indian Penal Code, 1860 (hereafter '*IPC*') and later, on under Section 307/34 of IPC.
2. The Status Report is not on record. However, a copy of the Status Report has been handed over to this Court as well as to the learned counsel for the applicant.
3. Briefly stated, the facts of the present case are that on 04.12.2023, a PCR call *vide* DD No. 116A was received at Police Station Prem Nagar, Delhi, regarding a quarrel and stabbing incident that had taken place at Budh Bazar Road, Prem Nagar-3, Delhi. A team of police officials had reached the



place of incident, where it was revealed that the injured person had already been taken to Sanjay Gandhi Hospital, Mangolpuri, Delhi. Upon reaching the hospital, the statement of Zishan, i.e. the injured person, was recorded. He stated that on 04.12.2023, he along with his friends was present at a confectionary shop and one person named Gulshan, alongwith his brother and another friend, had arrived there. Thereafter, they had caught hold of Zishan, and Gulshan's brother i.e. the accused/applicant herein had attacked Zishan on his face with a sharp edged weapon. Based on the aforesaid statement, FIR no. 663/2023 under Section 324/34 of IPC was registered at Police Station Prem Nagar, Delhi. Thereafter, investigation was carried out and the statements of witnesses were recorded. On the basis of the same, section 324 IPC was replaced with Section 307 of IPC and the present accused/applicant was arrested.

4. The learned counsel appearing for the applicant argues that the present accused/applicant has been falsely implicated in the case. She further submits that charge sheet in the present case has already been filed and the trial will take some time to conclude. Moreover, the present accused/applicant has been in judicial custody since 06.12.2023 and no useful purpose will be served by his further incarceration. She further submits that the MLC No. 25484/23 of the victim in this case opines that the injuries sustained by the victim were 'simple' in nature. The learned counsel further states that the present accused/applicant has no criminal antecedents, and therefore, she prays that the applicant be granted regular bail.

5. The learned APP for the State, on the other hand, opposes the present bail application and argues that the weapon with which the present offence was committed i.e. a metal blade was recovered at the instance of the present



accused/applicant. He, however, does not dispute that the applicant herein has no criminal antecedents.

6. This Court has heard arguments addressed by both the parties and has perused the material on record.

7. This Court notes that as per the MLC placed on record, the injuries sustained by the victim in the present case were opined as '*simple*' in nature and the victim was discharged from the hospital on the same day. Furthermore, the present applicant/accused has been in judicial custody for about 1 ½ years and yet prosecution witnesses are yet to be examined. There are no criminal antecedents of the applicant herein.

8. Considering the overall facts and circumstance of the case, and the fact that trial will take some time to conclude since the recoding of evidence has yet not commenced, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i. The applicant shall not directly or indirectly contact the victim or his family members and not to make an attempt to influence the witnesses, or tamper with the evidence in any manner.
- ii. The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
- iii. In case of change of residential address/contact details, the applicant shall promptly inform the same to the



- concerned Court.
- iv. The applicant shall appear regularly before the learned Trial Court.
9. Accordingly, the present bail application stands allowed and is disposed of.
10. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 16, 2025/ns

Click here to check corrigendum, if any