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

+ **BAIL APPLN. 1038/2025**

MOHAN KUMAR

.....Petitioner

Through: Mr. Chirag Madan, Ms. Ravleen Sabharwal, Mr. G. Sai Krishna Kumar and Mr. Rahul Agarwal, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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12.03.2025

CRL.M.A. 7866/2025 (exemption)

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

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3. By way of the present bail application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 34/2021, registered at Police Station Hauz Qazi, Delhi for offence punishable under Sections 302/307/323/341/506/34 of the Indian Penal Code, 1860 (hereafter 'IPC') and Section 27 of the Arms Act, 1959.

4. Briefly stated, facts of the present case are that on 08.02.2021, at 11:25 PM, an information *qua* an MLC from Lok Nayak Hospital was received at P.S. Hauz Qazi, Delhi *vide* GD no. 89A. In the said information,



it was intimated that a person namely Anshu Gupta, aged about 24 years, had been admitted by his brother namely Vinay *vide* MLC no. 113950538, as he had been injured in a scuffle. However, the victim Anshu had been declared brought dead at Lok Nayak Hospital Delhi. In the meantime, the police officials had reached the spot of incident i.e., the house of victim/deceased. It was revealed to the police officials that a scuffle had taken place between two parties, namely, (1) Vinay, Ashish, Anshu (deceased) and Geeta, and (2) Mohan (present applicant), Ankit and Khajanchi Babu, on the issue of parking of a scooty. Resultantly, the victims namely, Vinay, Ashish, Anshu (deceased), and their mother Geeta had sustained injuries. It was further revealed by Vinay (the complainant) that co-accused Ankit had grabbed the deceased from his neck and the present applicant Mohan had stabbed the deceased's chest with a knife. Subsequently, on the statement of complainant Vinay, the present FIR was registered. During further investigation, on 09.02.2021, all the three accused persons were apprehended and arrested.

5. The learned counsel appearing for the present accused/applicant argues that the applicant has been falsely implicated in this case and he has been in judicial custody since 09.02.2021. It is contended that no *prima facie* case is made out against the applicant, as there is no *iota* of evidence to suggest that the applicant has committed the alleged offence. It is argued that all the public witnesses have been examined in this case, including the eye-witnesses and the complainant, and they have not supported the case of prosecution. It is also argued that the eye-witness(es) have also not identified the applicant herein. Therefore, it is prayed that accused/applicant be granted regular bail.



6. The learned APP for the State, on the other hand, opposes the present application and argues that allegations against the accused are grave and serious in nature, and the applicant herein had stabbed the deceased's chest with a knife, whereas the co-accused Ankit had grabbed the deceased from his neck, which had caused his death.

7. This Court has heard the arguments addressed by the learned counsel for both the parties and has perused the material on record.

8. This Court's attention has been drawn to the testimonies of Vinay (PW-1), Ashish (PW-2) and Geeta (PW-3), who are the alleged victims/complainant/ eye-witnesses in this case. Clearly, the said witnesses have turned hostile and have not supported the case of prosecution. They have also not identified the present applicant as one of the assailants, and rather, have deposed that the assailants were wearing face masks at the time of incident. This Court's attention has also been drawn to an order dated 10.03.2025 whereby the co-accused Ankit Kumar had been granted bail by this Court.

9. The applicant herein has been in judicial custody for about 04 years. Out of 27 prosecution witnesses, only 04 have been examined yet, who all have turned hostile. The trial will take some time to conclude.

10. Considering the overall facts and circumstances of the case, and for the reasons recorded hereinabove, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.20,000/- with surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i. The applicant shall surrender his passport and not leave



the country without prior permission of the concerned Court. The applicant shall not directly or indirectly 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.
11. Accordingly, the present application stands disposed of.
 12. It is however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
 13. The order be uploaded on the website forthwith.

MARCH 12, 2025/ns

SWARANA KANTA SHARMA, J

[Click here to check corrigendum, if any](#)