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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 21.04.2025*+ **BAIL APPLN. 1085/2025****SAMEER SAIFI**

.....Petitioner

Through: Mr. Sagar Shivam Jaiswal, Mr.
Vishal Rao & Mr. Kafil
Ahmed, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP
for State with SI Puja, PS
Burari.

CORAM:**HON'BLE MS. JUSTICE SHALINDER KAUR****SHALINDER KAUR, J. (ORAL)**

1. The present bail application has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in FIR No. 756/2024 dated 03.12.2024 for the offences under Section 110/115(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) registered at Police Station Burari.

2. At the outset, the learned counsel for the petitioner submits that the petitioner is only 18 years of age, having no criminal antecedents or previous history of being involved in any criminal case, in fact, in the present case also, he has been falsely implicated. He submits that



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the petitioner is in custody since the date of his arrest, being 05.12.2024.

3. He submits that even by going through the statement of the complainant, the best role, which has been attributed to the petitioner is that being an assailant, he beat the complainant with fists and kicks and that too not on any vital part of his body. Therefore, he can be, at most, maximum tried for offence of hurt, which is a bailable offence. Learned counsel further submits that in the said incident, the complainant did not suffer any grievous injuries as (even for a 24 hours), he was not admitted in the Hospital.

4. In support of the above submission, the learned counsel draws the attention of the Court to the Charge-Sheet as well as the statement of complainant recorded under Section 161 of the Code of Criminal Procedure, 1973 and contends that the petitioner had not suffered any grievous injury as the alleged incident was reported at 04:00 PM on 03.12.2024, the complainant had joined the investigation with the Police and was accompanying the Police personnel on 05.12.2024.

5. He submits that he does not even know the complainant, thus, has no enmity or personal rivalry with him. To conclude his arguments, the learned counsel submits that all the other accused persons including the main assailant have been granted bail by the learned Trial Court and, therefore, prays that the petitioner be also admitted to bail.

6. While opposing the bail application, the learned APP has handed over the status report across the Board today, which is taken



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on record and submits that the petitioner had no lesser role in giving beatings to the complainant, as he gave brutal blows on the complainant with fists and kicks.

7. She submits that the complainant had identified the petitioner as one of the assailants. Moreso, he could be seen in the CCTV footage while running away from the place of incident. She submits that if released on bail, he may tamper with the evidence and influence the material witnesses. Thus, prays that the bail application of the petitioner be dismissed.

8. The case of the prosecution is that on 03.12.2024, a PCR call was received and was recorded *vide* GD No. 157A regarding one person being beaten by 7-8 persons, who received head injury. Upon this information, the Police reached at the place of incident, i.e. Gali No. 28, D Block, Kamal Vihar, Burari, where it was found that the injured was taken to Burari Hospital for treatment. The Police initiated the investigation and recorded the statement of the injured, who informed the Police that on 03.12.2024, while working at Gali No. 24, Kamal Vihar, 6-7 boys, who came there and gave beatings to him and one of them had hit him on the head with a wooden *fatta*. The Police had recovered and seized the wooden *fatta*, CCTV footage and other incriminating evidence. The accused persons were apprehended at the instance of the injured and the petitioner was one of them. The role assigned to the petitioner is that he had kicked and gave fists blows to the complainant, whereas co-accused Asif had hit the complainant on head with the wooden *fatta*.



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9. The Charge-Sheet has been filed and as per the medical documents of the complainant, the complainant had suffered a '*10 X 2 cm lacerated wound over right parieto temporal region*' and was probably discharged from the Hospital on the next day. It is not disputed that all the other accused persons have already been admitted to bail by the learned Trial Court. The perusal of the nominal roll shows that the petitioner, who is 19 years of age, is in custody since 05.12.2024 and his jail conduct is 'satisfactory'.

10. Accordingly, in view of the entire conspectus of facts and circumstances as noted hereinabove, the petitioner is admitted to Regular Bail pending Trial in the subject FIR, on his furnishing a personal bond in the sum of ₹ 25,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court / CMM / Duty Magistrate and further subject to the following conditions:

- i. The petitioner shall not leave the NCT of Delhi without prior permission of the learned Trial Court.
- ii. The petitioner shall report at P.S. Burari, Delhi every Saturday at 4:00 P.M. to mark his presence before the SHO/IO.
- iii. The petitioner shall immediately intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change of residential address.
- iv. The petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.



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- v. The petitioner is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- vi. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the Prosecution witnesses or other persons acquainted with the facts of case.
- vii. The petitioner shall also not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending Trial.

11. It is made clear that no observations made above shall tantamount to be an expression on the merits of the petitioner's case and they have been made for the purpose of consideration of Bail alone.

12. A copy of this Order be sent to the Jail Superintendent concerned for information and necessary compliance.

13. The Bail Application is disposed of in the abovesaid terms.

SHALINDER KAUR, J

APRIL 21, 2025/ss/sk

Click here to check corrigendum, if any