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

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**BAIL APPLN. 1114/2025 & CRL.M.A. 8443/2025**

UMAR @ CHOTU

.....Applicant

Through: Mr. Neeraj Deora,  
Advocate (through VC).

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri,  
APP for the State with Ms.  
Divya Yadav, Advocate.  
SI Rahul Rathi, PS  
Sangam Vihar.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

**30.04.2025**

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1. The present application is filed by the applicant seeking regular bail in FIR No. 253/2024 dated 20.04.2024, registered at Police Station Sangam Vihar for the offences under Section 307/34 of the Indian Penal Code, 1860 ('IPC').

2. The FIR was registered pursuant to a complaint that on 19.04.2024, the complainant along with his friend was going towards his home on a scooty which hit the applicant's two-wheeler being driven by the applicant, following which, the applicant picked up a brick and hit the complainant and they had a scuffle. The applicant thereafter called his elder brother, who came with a knife in his hand, whereafter the complainant was attacked and stabbed by the applicant's brother with an intention to kill him and hit by the applicant with brick, punches and kicks, which led to serious injury to the complainant, due to which he was hospitalised for four days.

3. The incident is stated to have been captured in the CCTV

**BAIL APPLN. 1114/2025**

**Page 1 of 4**



camera where the applicant and his brother could be seen chasing the complainant. The MLC of the victim shows three incise wounds in the body. One stab wound on the back, one on the forehead and one on the skull. The MLC also stated that the victim was unfit for giving statement and noted the nature of injuries as grievous and the weapon used to be sharp.

4. The learned Additional Public Prosecutor ('APP') for the State submits that the complainant's discharge summary also indicated that the injuries received by him were life threatening.

5. He vehemently opposes the grant of any relief to the applicant. He submits that the CCTV footage of the incident clearly shows the involvement of the applicant.

6. The learned counsel for the applicant submits that the quarrel took place with fists and blows and the injuries sustained are simple in nature.

7. He submits that the applicant is young man of 20 years age and has old parents to be taken care of.

8. He submits that the applicant is in custody for more than one year and the trial is likely to take time and no purpose would be served in continue detention of the applicant.

9. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as: (i) the nature or gravity of the offense; (ii) the character of the evidence and circumstances unique to the accused; (iii) the likelihood of the accused evading justice; (iv) the potential impact of the release on prosecution witnesses and its societal repercussions; and (v) the probability of the accused engaging in tampering.

10. Undisputedly, the incident appears to have happened at the spur of the moment. However, it cannot be denied that serious



injuries have been caused which could have been resulted in the death of the complainant. The allegations are also corroborated by the CCTV footage and the MLC of the complainant. It is pointed out that the victim and his brother have already been examined and they have supported the case of the prosecution. Thus, even the evidence pointed out at this stage makes *prima facie* case against the applicant.

11. It is observed that the offence as alleged against the applicant is heinous and grave, for which if he is convicted, can be sentenced for imprisonment upto life.

12. The complainant has alleged that after being hit by the accused persons, he had taken shelter in the house of one Dharmpal and he was dragged out from the said house by the accused persons. The victim Dharmpal is also yet to be examined.

13. The grant of bail should not be arbitrary or whimsical. Being conscious of the fact that individual liberty holds immense significance, it is incumbent upon the Courts to examine and evaluate, albeit briefly, factors such as the *prima facie* case, the severity of the crime and the accused's likelihood to tamper with evidence, among other considerations as noted above.

14. The credibility of the versions of the complainant and other witnesses as well as the defences asserted by the applicant would be assessed during the trial, however, at this stage, *prima facie*, this Court finds that there is substantial material on record against the applicant.

15. It is further stated by the learned APP for the State, that the prosecution is only relying upon 10 witnesses at this stage out of which two have already been examined. The trial thus is proceeding expeditiously.



16. In view of the gravity of the offence and the facts as discussed above, this Court does not find it apposite to allow the present bail application.

17. The bail application stands dismissed. Pending application(s) also stands disposed of.

18. It is made clear that the observations made in the present case are only for the purpose of considering the bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

**AMIT MAHAJAN, J**

**APRIL 30, 2025**

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