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

+ **BAIL APPLN. 1171/2025**

LUCKY

.....Petitioner

Through: Mr. Vivek Punia and Mr. Sagar,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with IO/Insp Ashok Kumar, SI
Sandeep Yadav, P.S. Sadar Bazar,
Delhi

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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05.05.2025

1. By way of the instant application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 77/2021 dated 30.03.2021, registered at Police Station Sadar Bazar, Delhi for the commission of offences punishable under Sections 302/452/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').
2. Briefly stated, the facts of the present case are that on 30.03.2021, information had been received at PS Sadar Bazar, Delhi at about 02:20 AM, regarding the admission of the patient, namely, Manish, aged 19 years, at Lady Hardinge Hospital, Delhi. Thereafter, the police officials reached the said hospital. However, the injured patient had been found dead during the treatment. The MLC of the deceased revealed that the deceased had been



physically assaulted by known persons by knife and the stab wound at thigh had been actively bleeding. Thereafter, the statement of eye-witness Geeta (mother of the deceased) had been recorded at the said hospital, wherein she had stated that on 28.03.2021, a quarrel between the complainant/informant and the applicant herein had taken place over exchange of money and had escalated due to the involvement of Manish and the family of the accused/applicant i.e., all the accused persons. However, at that stage, the same had been settled by the intervention of the neighbours. It is alleged that on the intervening night of 29-30.03.2021, at about 12.15 AM, accused Pooja came to the complainant's house and started quarrelling with them. Thereafter accused/applicant herein, and the other accused persons had also come to the complainant's house and a scuffle took place with Manish. It is alleged that all the aforesaid six (6) persons had dragged Manish (deceased) out of the house and had started beating him. Meanwhile, accused Pooja had told her son CCL 'D'/co-accused to get a knife from their house. It is stated that thereafter co-accused CCL 'D', attacked Manish (victim/deceased) with the said knife. It is stated that during the said altercation, Manish (victim) sustained an injury on his thigh. It is stated that thereafter all six accused including the present applicant fled from the place of incident. It is stated that the complainant along with her elder son Bobby took Manish (deceased) to the said hospital. On basis of the aforesaid information, the present case had been registered.

3. The learned counsel appearing on behalf of the applicant argues that the co-accused Pooja had been granted regular bail from this Court, therefore, the present accused/applicant be also granted bail on ground of parity. It is argued that the allegations levelled in the present FIR and the



chargesheet are false, vague and frivolous. It is submitted that the applicant herein is in custody since 30.03.2021. It is also submitted that the investigation has been completed and the prosecution witnesses have already been examined and that their testimonies are contradictory and unreliable. Therefore, it is prayed that the present applicant be released on regular bail.

4. *Per Contra*, the learned APP for the State strongly opposes the present bail application and argues that the present accused/applicant was actively involved in the commission of the offence in question, alongwith the other co-accused persons. It is submitted that the offence is very serious and heinous in nature. It is further alleged that the accused persons and the complainant's family members reside in the same locality, which increases the possibility of tampering with the evidences and influencing the prosecution witnesses. It is also submitted that the present case is at the stage of recording prosecution evidence and 06 out of total 24 witnesses have been examined. Therefore, the accused/applicant herein is not entitled to bail.

5. This Court has heard arguments addressed on behalf of both the parties and has gone through the material available on record.

6. In a nutshell, it is the case of the complainant that the applicant herein along with the other accused persons had dragged the deceased out of his house and had started beating him and that the co-accused Pooja asked CCL 'D' to bring the knife, and thereafter CCL 'D' attacked the deceased on his thigh with that knife, which had consequentially lead to the death of the deceased.

7. The applicant herein is in judicial custody for approximately 04 years and 22 days as on 21.04.2025 as per the latest Nominal Roll. It is noted that



the applicant/accused herein has clean antecedents and does not have any previous criminal involvement. This Court also notes that the Coordinate bench of this Court *vide* order dated 13.02.2025 has granted bail to the co-accused Pooja, against whom the allegations are much graver in nature as she had instigated the accused CCL 'D' to bring the knife, which had been subsequently used as the weapon of offence.

8. The statements of PW- 1 Geeta (mother of the deceased) and PW-2 Deepak (brother of the deceased) and PW-4 Kavita (sister-in-law of the deceased) have been recorded before the learned Trial Court. Thus, material witnesses of the prosecution have already been examined.

9. Considering the overall facts and circumstance of the case, and especially the fact that co-accused Pooja who had instigated CCL 'D' to bring the knife has already been granted bail, and that victim had been stabbed by CCL and not the present applicant, and also considering the fact that trial will take some time to conclude, this Court is inclined to grant regular bail to the applicant herein, on his furnishing personal bond in the sum of Rs.25,000/- with one surety of the like amount 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 leave the country without prior permission of the concerned Court.
- ii) 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.
- 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.

10. Accordingly, the present bail application stands allowed and is disposed of.

11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 5, 2025/ns

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