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

% **Date of decision: 07.05.2025**

+ **BAIL APPLN. 1160/2025**

SUNIL

.....Petitioner

Through: **Mr. Pankaj Kumar Gupta, Adv.**

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: **Mr. Raghuinder Verma, APP
with SI Rahul Rathi, PS
Sangam Vihar.
Complainant in person.**

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, seeking grant of Regular Bail in FIR No. 98/2023 for offences under Sections 307/506/34 of the Indian Penal Code, 1860, registered at Police Station Sangam Vihar.

2. The case of the prosecution is that on the intervening night of 23.01.2023-24.01.2023, three PCR calls were received at Police Station Sangam Vihar within a short span of time. These calls were recorded *vide* DD Nos. 117A, 119A, and 124A, dated 23.01.2023, and



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were assigned to Sub-Inspector (SI) Talib Khan. The Investigating Officer (I.O.) reached the JP Narayan Apex Trauma Centre, AIIMS, New Delhi, where the injured, identified as Master Abhishek (the victim), was found unfit for recording his statement. Thereafter, Shri Pawan Kumar, met the I.O., who disclosed that the injured is his nephew and that the alleged incident had occurred at a coaching institute by the name of ADM Tutorials, situated in G-Block, Sangam Vihar. When the I.O. reached at the ADM Tutorials, the complainant, A.D. Mahesh handed over a written complaint detailing the alleged incident.

3. As per the written complaint, the co-accused Shishpal was creating nuisance in the street outside the tuition centre. Upon being requested by the complainant to desist, a verbal altercation ensued. During the altercation, the victim Master Abhishek, Master Vikas, and Mr. Pritam Dubey, were also present. He further stated that the petitioner, Sunil, the younger brother of Shishpal, brought a knife-like sharp weapon, which was used by Shishpal to inflict injuries upon the victim. Consequently, the victim sustained multiple injuries to his face and head and was admitted in JP Narayan Apex Trauma Centre, AIIMS, New Delhi.

4. Considering the surrounding circumstances and based on the information gathered during the initial enquiry, a FIR bearing No. 98/2023 for offences under Sections 307, 506, and 34 of the Indian Penal Code, 1860 was registered at Police Station Sangam Vihar.

5. During further enquiry at the spot, the petitioner and the co-



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accused Shishpal were apprehended in connection with the incident. The complainant along with eyewitness Mr. Pritam Dubey identified both the accused persons as being the assailants and having caused injuries to the victim.

6. Thereupon, both the accused persons were arrested on 24.01.2023. In view of the disclosure statement of the co-accused, Shishpal, the knife got recovered, which was used for commission of the offence, from inside his house, which was seized by the I.O.

7. On MLC of the victim, the doctor opined the nature of the injuries being 'Grievous' and the weapon used as 'Sharp' in nature. Upon culmination of the investigation, the Charge Sheet under Section 307/506/34 IPC was filed before the learned Trial Court. Subsequent thereto, two bail applications moved by the petitioner were dismissed *vide* Orders dated 12.03.2024 and 05.12.2024.

8. Aggrieved by the aforesaid rejections of the bail applications, the petitioner has preferred the present bail application before this Court.

9. The learned counsel for the petitioner submits that testimony of prosecution witnesses recorded by the learned Trial Court as of the injured victim (PW-1) and the complainant (PW-4) are materially contradictory, which raises questions on the credibility and consistency of the case of the prosecution. He submits that all the material witnesses have been examined and no recovery has been affected at the instance of the petitioner. Moreso, the petitioner is in custody since 24.01.2023 and has clean antecedents.



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10. The learned counsel further submits that the main accused Shishpal, has already been granted Regular Bail by this Court *vide* Order dated 27.11.2024 in the Bail Application No. 3962/2024. Thus, in view of the foregoing, he submits, the petitioner be admitted to bail.

11. The learned APP, strenuously opposing the bail application, submits that the allegations against the petitioner are of a grave and serious nature, and grievous injuries have been inflicted on the person of the victim by using a 'knife'.

12. He contends that the victim as well as the complainant have supported the prosecution version. As per the testimony of the victim, the petitioner gave knife blows on him.

13. Having heard the learned counsel for the petitioner, the learned APP for the state, the complainant in person and perused the record, the role assigned to the petitioner is that the petitioner brought the knife that was used for inflicting grievous injuries on the person of the victim.

14. Without going into the contradictions and depositions of the witnesses, it is to be noted that the co-accused Shishpal, who has a similar role, has already been granted Regular Bail by this Court *vide* Order dated 27.11.2024 in the Bail Application No. 3962/2024.

15. The perusal of the nominal roll of the petitioner reveals that he has been in Custody for a period of about 2 years and 3 months. The nominal roll further reveals that the jail conduct of the petitioner is 'satisfactory' and that he is involved in no other cases.

16. Accordingly, in view of the entire conspectus of facts and



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circumstances as noted hereinabove, the Petitioner is admitted to Regular Bail in the subject FIR bearing No. 98/2023 for offences under Sections 307/506/34 of the Indian Penal Code, 1860, registered at Police Station Sangam Vihar, on his furnishing a personal bond in the sum of ₹30,000/- with one surety 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 Police Station Sangam Vihar, Delhi every Saturday between 4:00 P.M and 6:00 P.M. for marking his appearance.
- 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.
- 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.
- vii. The Petitioner shall also not tamper with evidence nor



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otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending Trial.

17. 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.

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

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

SHALINDER KAUR, J

MAY 7, 2025/kp

Click here to check corrigendum, if any