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

+ **BAIL APPLN. 1269/2025**

SHRI CAPTAIN SINGHPetitioner

Through: Appearance not given

Versus

STATE GOVT. OFNCT OF DELHIRespondent

Through: Mr. Utkarsh, Additional Public
Prosecutor for Respondent-State with
Inspector Ajay & SI Rohit

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

23.04.2025

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1. Fresh Bail Application under Section 439 Cr.P.C and Section 528 *Bhartiya Nagrik Suraksha Sanhita* has been filed on behalf of the Petitioner for grant of Regular Bail in case FIR No.160/2019 under Sections 307/341/506/34 of IPC, registered at Police Station Rajouri Garden, New Delhi.

2. It is submitted that incident of fight between the neighbours happened on 25.04.2019 at about 09:45 PM and the FIR was registered. It is asserted that the Applicant is not named in the FIR. It is further asserted that the Applicant was unaware about the present case and was unable to join the investigation. The main accused- Dalbir got arrested on 26.04.2019. The Applicant was arrested on 18.07.2021 and was granted bail on 28.07.2021.

3. It is submitted that the Applicant has not been identified by the



Complainant in Test Identification Parade. It is submitted that on one date witnesses were present but the Applicant was not and on other two dates, even witnesses were not present.

4. It is further submitted that on 11.02.2025, the Applicant had appeared through video conferencing (VC) but his appearance was not marked and Non-Bailable Warrants were issued against him. His first Bail Application was rejected on 15.02.2025, which was challenged before this Court but the Applicant withdrew the Bail Application on 05.03.2025.

5. Thereafter, the Applicant again filed an Application for bail before the learned Sessions Court, which was rejected on 12.03.2025. Hence, the present Bail Application has been filed.

6. The bail is sought by the Applicant essentially on the grounds that he is a young boy 25 years old. He got married on 29.01.2023. Due to matrimonial differences with his wife, he has gone into depression and failed to turn up before the Court. After issuance of Non-Bailable Warrants, the Applicant himself appeared in the Court and was taken into judicial custody on 14.02.2025. A prayer is made that the Applicant be admitted to regular bail.

7. The **Status Report** has been filed wherein details of the entire investigation have been narrated. It is submitted that after registration of the FIR on 26.04.2019, the Applicant absconded and did not join investigation and was declared Offender on 28.09.2019. Thereafter, he was arrested on 18.07.2021 in a *kalandra* and was also arrested in this case. Even thereafter, he has not been appearing before the Court regularly.

8. On 30.09.2024, the Applicant appeared through VC from Punjab and Proclamation under Section 82 Cr.P.C. was issued against him. However,



the same were cancelled subject to cost of ₹5,000/- with warning. The Applicant is in the habit of absconding.

9. **Learned Additional Public Prosecutor for Respondent-State** submits that initially TIP failed since the Applicant could be apprehended after about more than two years. Even thereafter, he has been absenting himself and not appearing before the Court. Looking at his conduct, bail be not granted to him.

10. *Submissions heard and record perused.*

11. Though the Applicant had been initially declared “Offender” in 2021, but the said proceedings stood cancelled and he was admitted to bail within ten days of his arrest and since then he is on bail. Record shows that Applicant had appeared on two occasions through VC but since his identity could not be confirmed through Video Conferencing, his physical presence was considered necessary in the Court, despite which he failed to appear. Petitioner physically appeared before the Court on 14.02.2025 and on the said date, he was remanded to custody.

12. In this backdrop, considering the fact that Applicant was on bail from 28.07.2021 till 14.02.2025 and he was arrested on 14.02.2025 when he physically appeared before the Court, the Applicant is admitted to regular bail on the following conditions:-

- a) The Applicant shall furnish a bail bond in the sum of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;
- b) The Applicant shall appear before the Court on each and every date of hearing;
- c) The Applicant shall provide mobile number to the IO



concerned which shall be kept in working condition;

d) The Applicant shall not indulge in any criminal activity and shall not try to influence the witnesses or tamper with the evidence;

e) In case of change of the residential address, the same shall be intimated to this Court and in the Police Station, by the Applicant.

13. A copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court, for compliance.

14. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

APRIL 23, 2025

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