



2025:DHC:5136



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

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Date of decision: 01.07.2025

+ **BAIL APPLN. 1674/2025****ASHISH KUMAR**

.....Petitioner

Through: Mr. Vivek Sood, Sr. Adv. with
Mr. Pramod Kumar, Adv.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Aman Usman, APP for the
State with SI Lokesh Kumar,
ASI Parsadi Lal, PS New
Friends Colony
Mr. Hitesh Kumar, Adv. for
complainant through VC**CORAM:****HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT (ORAL)****RAVINDER DUDEJA, J.**

1. This is an application under Section 482 BNSS for grant of anticipatory bail filed on behalf of the petitioner Ashish Kumar in case FIR No. 006/2025, under Section 109(1)/3(5) BNS, PS New Friends Colony.

2. Mr. Sood, learned Senior Counsel, appearing for the petitioner/applicant, submits that the present FIR is a classic case of a civil dispute, which has been given the colour of criminal wrong. It is submitted that applicant has been falsely implicated in the present case



due to prior property dispute between the complainant's family and the applicant's family. The FIR is a result of vendetta arisen out of the complainant's efforts to gain an undue advantage by taking over the possession of the ancestral property. It is further submitted that a civil suit was already pending in relation to the suit property, which was later withdrawn by the applicant's mother due to technical defect. The present incident is stated to be the result of provocation by the complainant, who was illegally constructing a kitchen on the disputed property without any authorization or consent and when the applicant objected, complainant assaulted the applicant's brother. It is further submitted that applicant himself and his mother suffered injuries in the incident, but no cross FIR has been registered against the complainant.

3. Learned Senior Counsel submits that there is no pre-mediated intent on the part of the applicant to harm the complainant and the alleged altercation was a spontaneous incident triggered by the complainant's illegal construction and physical aggression. He further submits that the nature of injuries suffered by the complainant are simple in nature and he was discharged from the hospital on the same day. Applicant is ready to join the investigation and therefore no useful purpose shall be served by sending him to jail.

4. Bail application has been opposed by the learned APP, arguing that complainant suffered deep injuries on his neck and right hand middle finger at the hands of the applicant. He states that even though the injuries have been opined as simple in nature, but they are deep injuries caused on the neck with a sharp weapon, which is yet not



recovered. Petitioner is therefore required for the purpose of custodial interrogation. He further submits that the complainant was not discharged from the hospital by the doctor but he left against the medical advice and thereafter got himself admitted in ARTEMIS Hospital for further treatment. He further states that petitioner did not assist in the investigation and has been evading his arrest and therefore NBWs have been issued against him by the trial court.

5. Applicant is the cousin of the complainant. They are having ancestral property dispute. As per allegations, on 03.01.2025, complainant was constructing kitchen in the house. Applicant along with co-accused persons scuffled with him and his family members and scattered the bricks. After that, applicant attacked the complainant with intention to kill him and caused him injuries with a sharp weapon.

6. The power of grant of anticipatory bail is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Status Report reveals that complainant suffered injuries at the upper pack of neck and right hand middle finger. He also suffered a wound on the upper mid back extending upto nape of neck and one incised wound over mid of nape of neck horizontal. He also suffered an incised wound on the occipital region measuring 4 x 0.5 cms.

7. No doubt, injured has since been discharged from the hospital and injuries have been opined to be simple in nature, but applicant is required for the purpose of custodial interrogation for the recovery of weapon of offence. The law aides only those who abide by law.



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Admittedly, the applicant has not joined the investigation and NBWs have since been issued against him.

8. Keeping in view the facts and circumstances, the kind of injuries suffered by the complainant as also the fact that applicant is required for the purpose of custodial interrogation, I do not deem it appropriate to grant pre-arrest bail to the applicant/accused.

9. The application is therefore dismissed.

RAVINDER DUDEJA, J.

JULY 01, 2025

RM