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

+ **BAIL APPLN. 1774/2025**

AMIT@GOLU

.....Applicant

Through: Mr. Suraj Prakash Sharma,
Adv.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP
for the State.
SI Ankur, PS Tilak Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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11.08.2025

1. The present application is filed seeking regular bail in FIR No.398/2022 dated 11.04.2022, registered at Police Station Tilak Nagar, for offence under Sections 302/34 of the Indian Penal Code, 1860 ('IPC').

2. The brief facts of the case are that on 11.04.2022, information was received regarding admission of one person in the hospital with stab injuries. The victim succumbed to injuries during the course of treatment. The FIR was registered pursuant to the statement given by the father of the victim, who alleged that while being shifted to the hospital, the victim had told him that the applicant and other co-accused persons had beaten the victim and the applicant had stabbed him with a knife.

3. During investigation, the statement of the witness Khushpreet (nephew of the complainant) was also recorded, who stated that an altercation had taken place between the victim and the accused persons, and the applicant had stabled the victim in

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the thigh.

4. This Court by orders dated 28.03.2025 and 29.05.2025 has already admitted the co-accused persons on bail after noting that all the material witnesses have turned hostile and they have not supported the case of the prosecution. It was also noted that the father of the victim, on whose statement the FIR was registered, has deposed before the learned Trial Court that he had not seen any of the accused persons nor had the deceased told him anything in relation to the accused persons.

5. Witness Khushpreet has also not supported the case of the prosecution before the learned Trial Court.

6. The veracity of the evidence of such witnesses will be tested during the course of the trial and the learned Trial Court can definitely look into the circumstances and other evidence put forth by the prosecution while passing the judgment. However, even though it is alleged that the applicant gave the knife blow to the victim, at this stage, it cannot be ignored that the material witnesses have turned hostile, which *prima facie* casts doubt on the prosecution's case.

7. It is also pertinent to note that the applicant is in custody since 13.04.2022 and he is stated to be of clean antecedents.

8. On being asked, it is informed that only around 10 witnesses have been examined out of the 35 listed prosecution witnesses, even though, the applicant has already spent more than three years in custody. There is no likelihood of the trial being completed in the near future.

9. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor



preventive and the deprivation of liberty has been considered as a punishment.

10. It is pointed out that the applicant belongs to the poor strata of the society and he is the sole bread earner in his family.

11. Appropriate conditions can be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.

12. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the boundaries of the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phones switched on at all times.

8. In the event of there being any FIR/ DD entry/ complaint



lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

9. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and shall not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

10. The present bail application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

AUGUST 11, 2025

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