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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2080/2025**
SHRI VIVEKPetitioner

Through: Mr. Lakhan Singh and Ms. Shweta
Yadav, Advocates.

versus

THE STATE GOVT. OF NCT.OF DELHIRespondent
Through: Mr. Yudhvir Singh Chauhan, APP for
State with SI Satish Kumar, PS: Model
Town.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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04.07.2025

1. Fourth Bail Application has been filed under Section 483 BNSS on behalf of the Petitioner-Vivek for grant of Bail in case FIR No.546/2023 under Sections 307/323/341/34 IPC registered at Police Station Model Town.
2. It is submitted that along with the applicant, there were two other co-accused, out of whom, one was CCL, who had inflicted multiple injuries with knife on the victim. Co-accused Sonu has already been granted bail by this Court vide Order dated 19.02.2025. The role assigned to the Applicant, as per the Status Report of the SHO, is that he had caught hold of the Complainant while his brother CCL Kamal had attacked him with knife and co-accused Sonu had punched him over the nose. In the FSL Report, no blood stain has been detected on the knife that was recovered.
3. The Bail is sought on behalf of the Applicant on the ground that he is in judicial custody since 20.09.2023 and trial is likely to take long a time. Therefore, the Bail is sought.



4. Learned APP for the State submits that there were multiple injuries with knife that were inflicted by CCL, while the Applicant along with co-accused had assisted him by holding the Complainant in inflicting the injuries. The Chargesheet already stands filed.

5. The bail is opposed on the ground that the offence is of a serious nature and that the statement of the two eye witnesses Gopal Singh and Limsangkai @ Jeff are yet to be recorded. There is an apprehension that threat may be extended to the eye witnesses.

6. Submissions Heard. Record perused.

7. As per the allegations, the Applicant had caught hold of the complainant along with co-accused Sonu, while CCL had inflicted stab injuries. Co-accused Sonu also had the similar role as the Applicant and he had already been granted bail by this Court vide order dated 19.02.2025

8. The accused is in judicial custody since 20.09.2023. The Discharge Summary of the injured reflects that he had superficial horizontal incised wounds of size 7 and 10 cm over left upper and lower back respectively. He was admitted in the hospital on 20.09.2023 and discharged on the next date i.e. on 21.09.2023 after suturing of wounds under Local Anaesthesia.

9. The Apex Court in Union of India v. K.A. Najeeb, (2021) 3 SCC 713 has observed that courts are obligated to release the under-trial prisoners on bail if there is a delay in trial. It was further observed that fundamental right of liberty provided under Article 21 of the Constitution is superior to statutory restrictions and reiterated the principle that “*bail is the rule and refusal is an exception*”.

10. Considering the totality of the circumstances as narrated above, the Petitioner is admitted to Bail in FIR No.0546/2023, under Sections



307/323/341/34 IPC, registered at P.S.: Model Town upon his furnishing a personal bond in the sum of Rs. 20,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions:-

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing;
- b) Petitioner shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times;
- c) Petitioner shall inform the IO and the Jail Superintendent the address where he shall be available in Delhi;
- d) Petitioner shall not try to contact, threaten or influence any of the witnesses in this case; and
- e) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

11. The Registry is further directed to communicate this Order to the learned Trial Court and as well as to the concerned Jail Superintendent.

12. Accordingly, the present Petition is disposed of.

NEENA BANSAL KRISHNA, J.

JULY 4, 2025/R