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

+ **BAIL APPLN. 2297/2025**

JITENDER KUMAR

.....Petitioner

Through: Mr. Manish Gupta, Mr. Amit Thakur,
Mr. Manoj Kumar and Ms. Sabiya,
Advocates.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **14.10.2025**

1. First Bail Application under Section under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (Section 439 of the Code of Criminal Procedure, 1973) (*hereinafter referred to as 'Cr.PC'*) has been filed on behalf of the **Applicant/Jitender Kumar** for grant of **Regular Bail** in Case FIR No. 253/2024 under Section 307/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Shalimar Bagh.

2. It is submitted that the alleged incident took place on 12.05.2024 when the Complainant, Rahul along with his two brothers and one sister, gathered to celebrate the Mother's Day. The Complainant parked his Car in front of DA Block, Shalimar Bagh, Delhi-110088 and ordered two *Tikkis* from the Applicant, Jitender's Stall but when the Applicant delayed in serving the said *Tikkis* to the Complainant, he got angry and threw the same



and went away along with his brothers, by paying Rs.100/- to the Applicant. Thereafter, at around 10:30 p.m., the Complainant along with his brothers and sister, returned to the same spot after celebrating Mother's Day. According to them, they were allegedly attacked by the Petitioner and his friend with knives, who thereafter ran away.

3. The **Applicant seeks Regular Bail on the ground** that he was arrested in the instant case on 13.05.2024 and since then, he is in Judicial Custody.

4. He is 24 years old and works as a street vendor and is the sole bread earner for his family members. His future has come under cloud despite the fact that he had committed no offence as alleged.

5. The Applicant has clean antecedents before he was arrested in the present case. In fact, the Complainant and his associates are notorious and highly influential persons, who first ate *Tikkis* from the Applicant's stall and on asking the payment, they threatened and abused the Applicant. When he resisted, they attacked him with knife and when the brother of the Applicant and nearby standing persons intervened, they were also beaten. Thereafter, they all ran away to save their lives. A false case has been registered against the Applicant and his brother, who is in Judicial Custody.

6. Ms. Neelam @ Baby is claimed by the Prosecution to be the sole eye witness of the alleged incident of 12.05.2024. However, she has been dropped from the list of witnesses.

7. PW-5, SI Ram Avtar in his Examination-in-Chief dated 04.04.2025, has stated that he had received a call from Control Room that 3-4 persons have beaten the caller and have inflicted stab injuries. However, the Prosecution has failed to identify the details of the informer and to make him



a witness. The First Information was that 3-4 persons had attacked four persons with a knife, but as per the Charge-Sheet, there are only three victims. There is no recovery of alleged weapon by the Police Officials during the entire investigations, which reflects the possibility of false implication of the Applicant.

8. In fact, the Applicant himself has sustained injury on his thigh and he did not bother to run away from the scene of crime, as he had done nothing wrong.

9. The Applicant is the elder son in the family and his mother is mentally ill and roams on the road and is at the mercy of God. He has deep roots in the society and there is no possibility of tampering with the eye witnesses.

10. Reliance is placed on Aryan Siris Garange vs. State of Gujrat, R/CR.MA/5692/2022 decided on 07.04.2022; Pankaj Daang vs. State of NCT of Delhi, Bail Application No. 1560/2023 and State of Rajasthan vs. Balchand alias Baliya (1) 1978.

11. *It is, therefore, submitted that he be granted Regular Bail.*

12. **Status Report** has been filed but is lying under objection.

13. *Learned Public Prosecutor* has argued that there were three injured persons, who all had suffered dangerous evidence. On instructions from the Investigating Officer, he submits that these three people had been admitted to Max Hospital but thereafter, they have left against the medical advice. There are no other subsequent medical record available of the three injured.

14. Considering the severity of the allegations and also that the trial is almost at the fag end with only I.O. remaining to be examined, *the Bail Application is opposed.*



15. **Submissions heard and the record perused.**

16. The case of the Prosecution is that on 12.05.2024 around 10:30 p.m. near *Haiderpur Village, Shalimar Bagh, Delhi*, following a dispute over food with a *tikki* vendor, Jitender (the Applicant herein). During the said incident, the Applicant/Jitender, his brother Obinder, and their friend Ankit (co-accused) had allegedly assaulted the victims, Raja, Rohit, and Rahul (injured persons), with knives, causing multiple stab wounds to the abdomen, chest, and limbs. The injured were admitted to Max Hospital, where MLCs confirmed the severity of the injuries as “dangerous”.

17. During the investigation, co-accused Obinder was arrested, while Ankit remains absconding. Blood samples, clothing, and crime scene evidence were seized and sent for FSL.

18. It has to be noted that the Applicant herein is in Judicial Custody since 13.05.2024 i.e. for about 1 year and 5 months. There was no recovery of alleged weapon/knife by the police officials, during the investigation. Moreover, the Applicant himself had sustained injury during the incident, wherein his MLC indicated his injuries as “simple”.

19. Considering that the Chargesheet already stands filed and all the eye-witnesses/victims have been examined and that the Judicial Custody of the Applicant is no longer required.

20. Considering the totality of circumstances, the Applicant/Petitioner/Jitender Kumar is granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/Accused shall furnish a personal bond of Rs.25,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.



- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

21. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.

22. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 14, 2025/RS