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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2342/2025**

AJAY

.....Petitioner

Through: Mr. Rakesh Vatsa, Mr. Jeetin Jhala,
Ms. Reenila Jhaqla and Mr. Shakunt
Jhala, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP with SI Sanjay

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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28.10.2025

1. The present Application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS"*) seeking grant of pre-arrest Bail in FIR No. 374/2025 dated 01.05.2025, for offences punishable under Sections 110/3(5) of the Bharatiya Nvaya Sanhita, 2023 (*hereinafter referred to as "BNS"*) registered at Police Station Mehrauli.
2. It is submitted that the Anticipatory Bail Application has been dismissed by learned ASJ *vide* Order dated 06.06.2025.
3. The FIR was registered after delay of six days, which is an unexplained delay as the Complainant had refused to give statement to the Investigating Officer.
4. The Petitioner was given Interim Protection by the learned ASJ, while the Application for Anticipatory Bail was pending.
5. The co-accused, Ajit Duggal was arrested on 02.05.2025 but has now been granted Regular Bail.
6. The **Bail is sought on the ground that the Applicant** has joined the investigation at the Police Station, and that the Status Report filed by the



Investigating Officer discloses no grounds for arrest, nor does it explain why custodial interrogation is required once the Applicant has joined the investigation on 07.08.2025.

7. The Applicant is an innocent person and has been falsely implicated in this case. The Rule is Bail and not Jail and the Applicant is to be presumed innocent till he is convicted and he should not be punished while he kept in jail. No custodial interrogation of the Applicant is required.

8. *Hence, the prayer for grant of Bail is made.* The Applicant undertakes to abide by any directions that may be imposed.

9. **Status Report has been filed on behalf of the State, which is taken on record**, wherein it is submitted that on 24.04.2025 at around 09:00 P.M., while the Complainant, Sandeep was standing at Valmiki Chowk near his residence, he was accused by the co-accused, Ajit @ Modi after which they had verbal altercation and they went to their respective residence. In about 10 minutes, the Complainant again went to Valmiki Chowk, where the co-accused, Ajit @ Modi and his elder brother, Applicant, Ajay came, carrying an iron rod and stick in their hands respectively. Ajit @ Modi hit him on his head with stick while the Applicant, Ajay hit him on both hands with an iron rod. The Complainant fled from the spot. The FIR got registered on 01.05.2025 i.e. after six days, when the Complainant himself came to the Police Station.

10. The Interim Protection was granted to the Applicant by the learned Sessions Court, after which he has joined the investigation. He admitted the commission of offence and also throwing away of the iron rod.

11. The Anticipatory Bail Application of the Applicant has been dismissed by learned ASJ.



12. The Applicant was interrogated on 27.10.2025, where he denied having assaulted to the complainant, though he admitted that the quarrel had taken place between Complainant and his brother; he denied that he was present there. He further stated that he hardly talks to his family members.

13. It is submitted that in the interrogation conducted on 28.10.2025, the Applicant contradicted the version given on 27.10.2025.

14. *Hence, the prayer is made that the bail may be dismissed.*

Submissions heard and record perused.

15. Admittedly, it was a case of quarrel wherein allegedly the co-accused had hit the complainant on his head with a *danda*, while the Applicant had hit him on his arms with an iron rod causing abrasion and lacerated wounds to the Complainant on his two hands.

16. Admittedly, the Chargesheet has been filed against the co-accused. The Applicant has already joined the investigation. No custodial interrogation is sought.

17. The main ground for opposing the Anticipatory Bail is that the Applicant who had admitted the commission of the offence by him in his statement on 27.10.2025 retracted from it on the next date i.e. 28.10.2025. This argument is not tenable because the disclosure statement of the Applicant cannot be termed as any kind of evidence nor can he be compelled to give inculpatory statements.

18. Considering the facts and circumstances of the case, it is directed that in the event of his arrest, the Applicant/Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, on the following terms and conditions:

a) The Petitioner/Applicant shall furnish a personal bond of



Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;

- b) The Petitioner shall join the investigations, as and when called by the Investigating Officer;
 - c) The Petitioner/Applicant 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 shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case; and
 - e) The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
19. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.
20. The Bail Application is accordingly disposed of. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J.

OCTOBER 28, 2025

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