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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2472/2025**
ABHISHEK

.....Petitioner

Through: Mr. Chander Mukesh Sangwan and
Mr. Saksham Aggarwal, Advocates.

versus

THE STATE (GOVT. OF NCT DELHI)

.....Respondent

Through: Mr. Shoaib Haider, APP for the State
with ASI Ravinder.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
29.08.2025

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1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioner, Abhishek in Case FIR No. 857/2024 dated 08.09.2024 under Section 109(1)/117/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (*hereinafter referred to as 'B.N.S.'*), registered at Police Station Narela Industrial Area.
2. It is submitted that as per the Case of the Prosecution, the Complainant, Prakash, brother of Injured, Monu, had stated that on 07.09.2024 at about 06:00 p.m, after returning from his duty, he went to sleep. At about 10:00 p.m. on hearing the noise, he came out and his mother told him that one child has informed that 'Monu (*brother of the Complainant*), *ke saath budh bazaar road par jagra ho raha hai*'. The



Complainant reached in front of Balaji Sweet at Budh Bazar Road where he found that four persons had surrounded his brother, who was smeared in blood. At that time, Abhishek and Arbaz @ Chapta, had caught hold of the hands of his brother while Pawan and Samir @ Babu, were attacking him with some knife like weapon. He raised hue and cry, on which Pawan handed over the knife like thing to Arbaz @ Chapta and told him to kill him. He was also given knife blows. All the Accused persons are resident of Metro Vihar. On hearing the noise, when the public gathered on the spot, all the four Accused threatened that if they make a Complaint, they would kill all of them. Thereafter, they ran in different streets. His brother was shifted to MV Hospital and thereafter to Safdarjung Hospital. On the basis of the Statement of Prakash, the Complainant, FIR was registered. The Applicant was arrested on 11.09.2024 and since then, he is in judicial custody.

3. The Application for Bail before the learned ASJ, has been dismissed on 15.05.2025.

4. Bail is sought **on the grounds** that he is a law-abiding citizen and has deep roots in the Society. He is innocent and has clean antecedents but has been falsely implicated in this case. The incident took place in the night of 07.09.2024, but the matter was reported to the Police only on 08.09.2024, after a considerable delay, which has not been explained. It reflects that the Applicant has been falsely implicated in this Case, on the basis of a false and concocted story. The Complainant or the Injured did not call PCR, immediately after the accident. The matter was reported to the Police belatedly and hence, the false implication of the Applicant, cannot be ruled out.

5. There are major contradictions in the Statement of the Complainant



and other public witnesses, and the Statement under Section 180 of B.N.S.S. recorded of the Injured, which go to the root of the Prosecution story. The Complainant stated that the Petitioner had attacked him with stone on his mouth, but no such allegation was made by any of the witnesses showing that the Complainant/eye witnesses were not present on the spot and they were planted subsequently. As per the Statement of the Injured, one Hanuman intervened in the matter but later on, he along with other boys, ran away from the spot. No weapon of offence has been recovered from the Applicant. Moreover, Injured was under the influence of alcohol.

6. The matter is at the stage of framing of Charge. The trial is likely to take considerable time and an innocent person cannot be incarcerated for an indefinite period.

7. Since the investigations are already complete, his custodial interrogation is no longer required. No useful purpose would be served by keeping him in custody. There are no chances of his tampering with the evidence or influencing the witnesses. Hence, it is submitted that the Applicant be granted Bail.

8. **Status Report** has been filed on behalf of the State. The same be taken on record. The investigations carried out in the FIR, have been detailed in the Status Report. It is submitted that during the investigations two CCLA @ C and S @ B, were apprehended under Section 25/54/59 of the Arms Act. The blood stain clothes of the Applicant and Pawan @ Pamma, were recovered. The final opinion of the MLC of the Injured, is given as “grievous”.

9. The Bail is opposed on the grounds that the injuries caused by the Applicant, were grievous in nature. The offence is of serious nature whereby



the injuries were inflicted on Monu, with an intent to kill him. He was stabbed mercilessly and was also attacked on his jaw because of which he could not open his mouth against them before the Police. Weapon of offence i.e. blood-stained knife, has been recovered from the CCL/co-accused. The blood stain clothes of both the Accused persons, have been recovered from their houses at their instance.

10. Further, they all reside in the same locality and there is a possibility of threatening the public prime witnesses. Bail is also opposed on the ground of the offence being of grave nature.

Submissions heard and the record perused.

11. It is the case where the Injured, Monu had been given as many as 15 stab injuries by the Applicant and his associates, out of whom, two were CCL. The knife has been recovered from the possession of CCL. The Statement of the Injured, is fully corroborated by his brother/the Complainant, Prakash.

12. It is contended that it is a false and fabricated case only because the FIR was registered, after about one day. However, the injuries on the person of the Injured, has its own story to tell. The delay of one day is matter of trial and subject to explanation.

13. It is also pointed out by the State that the Applicant was arrested on 11.09.2024 and in his medical examination, some injuries were noted on his arm and on his hand with scab, which confirmed not only his presence on the scene of crime, but also his involvement in the incident. Though, the Charge-Sheet has been filed but the Statement of the public witnesses, is yet to be recorded.

14. Considering the gravity of the offence and the stage of trial, it is not



considered appropriate to grant Bail, at this stage. The Bail Application is hereby dismissed and disposed of accordingly.

NEENA BANSAL KRISHNA, J

AUGUST 29, 2025/RS