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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2646/2025 & CRL.M.A. 20638/2025**
ROHITPetitioner

Through: Mr. Mahesh Prasad, Mr. Sher Singh,
Mr. Yogesh K. Chandna and Mr.
Surender Kumar, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHIRespondent
Through: Mr. Mukesh Kumar, APP.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
13.10.2025

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 439 of the Code of Criminal Procedure, 1973¹) seeks regular bail in proceedings arising from FIR No. 223/2024 registered under Section 109(1)/221/132/121/61 (1)(a)/3(5) of the Bharatiya Nyaya Sanhita, 2023² at P.S. I.P. Estate.
2. The present case arises from an incident concerning an alleged assault on a police official on duty. According to the prosecution, on 14th July 2024, the Complainant, Constable Ramdas of P.S. I.P. Estate, was on picket duty when he proceeded to Balmiki Basti upon receiving information that certain persons were consuming alcohol in a public place. After he cautioned them, the group allegedly left while issuing threats. It is alleged that soon

¹ "Cr.P.C."



thereafter, the Applicant, accompanied by co-accused persons, returned to the spot with the common intention to attack him. The Applicant allegedly repeatedly struck the Constable on the head and face with a stick, while the others allegedly incited the Applicant to kill him. The Constable lost consciousness and was taken to hospital. Four co-accused were arrested the next day, however, the Applicant allegedly absconded, evaded arrest until he surrendered before the Court on 30th July 2024 and was then taken into custody.

3. Counsel for the Applicant submits that he has been falsely implicated on the basis of false and twisted facts. He submits that the injuries reportedly sustained by the Complainant are simple in nature, as mentioned in the MLC. The Applicant has previously been granted interim bail and has not misused the liberty granted to him. He has no criminal antecedents, and the investigation *qua* him stands concluded, making his continued incarceration wholly unnecessary and tantamount to punitive detention. The Applicant is the sole breadwinner of his family, having a widowed mother and two minor children dependent on him, and his detention would cause undue hardship to them. The Applicant undertakes to fully abide by all terms and conditions that this Court may deem fit to impose while granting regular bail.

4. *Per contra*, Mr. Mukesh Kumar, APP for the State, opposes the bail application, submitting that the Applicant assaulted a police officer in uniform, while he was performing his lawful duty. The assault, recorded on CCTV, shows the Applicant attacking the Complainant with a stick and fleeing the scene. It is further stated that the Applicant absconded thereafter and evaded arrest despite repeated police efforts, evidencing a deliberate

² “BNS”



attempt to obstruct the legal process. He submits that granting bail in such circumstances would diminish public confidence in the enforcement of law, thereby undermining the overall administration of justice.

5. The Court has considered the aforementioned contentions. As per the Nominal Roll, the Applicant has been in custody for over one year. Moreover, the Court is apprised that the investigation stands concluded and the chargesheet has been filed. It is noted that, as per the medical examination of the complainant, the injuries sustained are classified as simple in nature. The Applicant has no prior criminal antecedents and is stated to be the sole caregiver for two minor children and a widowed mother.

6. The Court is cognizant of the seriousness of the allegations against the Applicant for assaulting a police officer and does not, in any manner, condone such conduct. However, the specific circumstances in which the alleged assault took place, the nature and extent of the injuries are matters that require scrutiny and evaluation during the course of trial.

7. The apprehensions expressed by the State regarding the possibility of the Applicant absconding or interfering with ongoing proceedings can be adequately addressed by imposing suitable and stringent conditions at the time of granting bail.

8. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.³ Considering the completion of

³ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



investigation, the Applicant's period of custody, the absence of criminal antecedents, and the principles governing bail, this Court finds it just and proper to grant bail to the Applicant.

9. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. 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;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. 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;
- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- g. The Applicant shall report to the concerned PS on first Friday every three months;

10. 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.



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

12. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

OCTOBER 13, 2025

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