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

+ **BAIL APPLN. 2707/2025 & CRL.M.A. 21038/2025, CRL.M.A. 21039/2025**

ROHIT @ TULLA

.....Petitioner

Through: Mr. Ashok Kumar Mishra, Mr. Naved Khan, Ms. Sudha Mishra and Mr. V. K. Dwivedi, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP.
SI Ashok Kumar, Insp. Pankaj Tomar, PS: Timarpur.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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23.07.2025

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 175/2023 registered under Sections 323/324/341/506/34 of the Indian Penal Code, 1860³ at P.S. Timarpur. In the said FIR, chargesheet has been filed *qua* the Applicant under Sections 326/341/506 of IPC.

2. Briefly, the case of the prosecution is as follows:

2.1. On 7th March, 2023, Sumit filed a complaint stating that on 6th March 2023, around 7:00 PM, the accused Khempal, Tarun and their associates

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



threatened and physically assaulted him in connection with a prior fight between them. According to the complaint, Tarun grabbed him from behind while Khempal and the others inflicted beatings. Tarun then held the Complainant's hands and directed Khempal to stab him in the lower back, which Khempal did. Following the assault, they all fled the scene. The Complainant's mother called the police, who subsequently took him to AAAG Hospital.

2.2. The MLC of the Complainant was obtained from AAAG Hospital wherein the injury inflicted on the Complainant was classified as grievous.

2.3. On 13th March, 2023, Tarun was arrested and his statement was recorded. On the basis of his disclosure statement, Rohit @ Tulla (the Applicant) and Khempal were arrested on 15th December, 2023.

3. Counsel for Applicant states that the Applicant has been falsely implicated and submits the following:

3.1. The Applicant has been in custody since 15th December, 2023. Investigation is complete and chargesheet has been filed, thus, no fruitful purpose will be served by the continued incarceration of the Applicant.

3.2. The Applicant was not named in the impugned FIR and he was implicated solely on the basis of the disclosure made by the co-accused Tarun, without any further corroborative evidence.

3.3. The Applicant has deep roots in society and is willing to abide by the conditions imposed, if bail were to be granted.

4. Mr. Tarang Srivastava, APP for the State, on the other hand, points out that the Applicant has criminal antecedents and is being declared as a person with "bad character" at P.S. Timarpur. He submits that considering the nature of injuries inflicted, the allegations being grave and serious in



nature, the Applicant should not be released on bail as there is a strong apprehension of Applicant absconding or influencing witnesses. He further points out that the Applicant's request for regular bail has been rejected by the Sessions Court by orders dated 29th May, 2024, 27th July, 2024, 28th November, 2024, 3rd February, 2025 and 30th May, 2025

5. The Court has considered the aforementioned facts and contentions. While it is acknowledged that the Applicant has been in custody for a considerable period of 1 year and 6 months, the allegations levelled against him are of a grave and serious nature. The Complainant has since been discharged from the hospital; however, the injuries sustained were significant. Notably, the prosecution has placed emphasis on the medical records which indicate that, as a result of the stab wounds to the abdomen, the spinal region of the victim has also been effected. Such injuries are not only serious but have the potential for long-term consequences, underscoring the severity of the offence.

6. Additionally, the Court notes that the Applicant has been identified by the Complainant in his statement recorded under Section 161 of Cr.P.C on 15th December, 2023. While the initial statement recorded on 7th March, 2023 mentioned the involvement of Khempal, Tarun and other assailants, it is understandable that the Complainant's first statement was given immediately following the incident, when he may not have been in a position to provide a full or accurate identification of all involved parties. The subsequent identification of the Applicant by the Complainant significantly strengthens the prosecution's case.

7. Taking into account the foregoing facts, along with the Applicant's declaration as a "bad character" in light of his criminal antecedents, the



Court finds that releasing the Applicant on bail would pose a substantial risk. There is a reasonable apprehension that the Applicant may attempt to influence or intimidate witnesses or abscond, thereby hampering the course of justice. Therefore, the Court is not inclined to release the Applicant on bail. to deny bail at this juncture.

8. Accordingly, the present bail application is dismissed.

SANJEEV NARULA, J

JULY 23, 2025

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