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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 21.05.2025**+ **BAIL APPLN. 2838/2024, CRL.M.A. 29668/2024****NITIN**

.....Petitioner

Through: **Mr. Rajiv Takbi, Mr. Hari Om
Sharma and Mr. Ashish, Adv.**

versus

STATE GOVT. OF NCT DELHI

.....Respondent

Through: **Mr. Raghuinder Verma, APP
for State with SI Ambika, P.S.
S B Dairy, Delhi.
Ms. Shivanjali Bhalerao and
Ms. Tara Narula, Adv.
(DHCLSC) for victim.****CORAM:****HON'BLE MS. JUSTICE SHALINDER KAUR****SHALINDER KAUR, J (ORAL)**

1. The present bail application has been filed by the petitioner under Section 439 read with Section 482 of the Criminal Procedure Code, 1973, seeking grant of Regular Bail in FIR no. 677/2023 dated 18.07.2023 ("subject FIR") for offences under Section 324 of the Indian Penal Code, 1860 ("IPC"), registered at Police Station Shahbad Dairy.

2. The present case arises out of DD No. 81A dated 18.07.2023, received at Police Station Shahbad Dairy pursuant to a PCR call



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reporting a stabbing incident near the License Authority, NeharKe Pass, Sector-28, Shahbad Dairy, Delhi. As per the direction of the Duty Officer, the said DD entry was marked to SI Lokendra Kumar, who, along with HC Amit and other accompanying staff, proceeded to the spot.

3. Upon arrival, SI Lokendra made inquiries and was informed that two injured boys had already been taken by a public person to Dr. BSA Hospital, Rohini. No eyewitnesses could be located at the scene despite a thorough search.

4. The IO and accompanying staff then proceeded to Dr. BSA Hospital, where two injured persons, Malay Bhaskar and Nilay, were found undergoing treatment. Both were declared medically unfit to give statements at that time.

5. MLC No. 9456/23 pertaining to Malay Bhaskar recorded that he had been brought to the Hospital around 2:00 PM with a history of physical assault and had sustained a lacerated wound measuring 5 x 0.5 cm on the right side of the back. MLC No. 9455/23 relating to Nilay recorded a lacerated wound of 2 x 7 x 1 cm over the gluteal region. In view of the nature of the incident and on the basis of the MLCs, PCR call, and preliminary inquiry, the incident was found to disclose a cognizable offence under Section 324 IPC.

6. Accordingly, SI Lokendra prepared a rukka in Hindi and sent it through HC Amit for registration of the FIR. During investigation, the injured's clothes were also seized.

7. Subsequent medical opinion classified the injuries suffered by



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the victims as grievous. In view thereof, Section 307 of the IPC was added to the FIR. The IO thereafter visited the residence of the injured, where statements of both victims were recorded under Section 161 CrPC.

8. In his statement, Malay Bhaskar narrated that on 18.07.2023, after being discharged from school, he and his brother Nilay were on the way to their residence at Khera Khurd on a bicycle when they were stopped by three boys near ADTT Authority, Sector-28, Rohini. The assailants pushed, abused, and forcibly removed them from the bicycle. One of the boys, who was carrying a knife, attacked both brothers with the intention to kill, while the other two restrained them. Upon raising alarm, the assailants fled toward the canal, and with the help of a passerby, the victims reached Dr. BSA Hospital. Nilay corroborated this account in his own Section 161 CrPC statement, affirming that the three boys had beaten and stabbed both brothers,

9. On 24.07.2023, a portrait/sketch of the suspect was prepared by SCRB at the instance of the complainant. On 04.08.2023, while conducting search operations in the area, SI Lokendra, along with HC Pardeep and a secret informer, received information that the accused involved in the subject FIR, namely Nitin (petitioner), was about to return to his residence. Thereafter, based on identification by the informer, Nitin was apprehended.

10. On custodial interrogation, the accused disclosed his name as Nitin, son of Ramesh, aged 18 years, and confessed to the crime. He admitted to being accompanied by two co-accused, Ankit and Vikas,



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his long-time acquaintances.

11. Upon conclusion of the investigation, the petitioner was formally arrested. A charge sheet was filed before the learned Trial Court on 03.01.2024.

12. The petitioner had previously moved five bail applications before the learned Trial Court, out of which two were withdrawn and three came to be dismissed, compelling him to file the present application.

13. The learned counsel for the petitioner submits that petitioner has been in custody since 05.08.2023 and the Charge-Sheet has been filed in the present case. He further submits, that the petitioner has no previous involvements and his antecedents are clean.

14. The learned counsel submits that the injured in the present case have been examined and therefore, no purpose would be served in the petitioner's continued incarceration.

15. Opposing the grant of bail, the learned APP for the state, as well as the learned counsel for the complainant submits keeping in view the nature of the offence committed by the petitioner, specifically when it was committed on minors, the relief of bail be denied.

16. On a consideration of the rival submissions advanced on behalf of the parties and the material placed on record, it emerges that the petitioner has been in judicial custody since 05.08.2023, and the charge sheet stands filed before the learned Trial Court on 03.01.2024. The investigation in the matter is complete.

17. A perusal of the Charge-Sheet indicates that material witnesses,



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including both injured victims, have been examined. It is also not the prosecution's case that any other material witness remains to be examined, or that the petitioner, if released, is likely to tamper with such evidence.

18. The allegations, though grave, must also be weighed against the petitioner's age, which at the time of the incident, was just 18 years. While the offence is undeniably serious in nature, it is equally well-settled that pre-trial incarceration of a young offender must not be carried to punitive lengths, particularly in the absence of any contemporaneous evidence of threats or coercion being exercised by the accused upon witnesses or victims.

19. This Court is further persuaded by the submission that the petitioner has no previous criminal antecedents and his custodial conduct has not been brought into question by the prosecution. With the filing of the Charge-Sheet and the victims having already been examined, the apprehension expressed by the prosecution regarding interference with the administration of justice is materially diluted.

20. At this stage, this Court is not required to examine the probative value of the evidence or test the veracity of the prosecution case in detail. The considerations for bail are confined to the nature of allegations, the possibility of the petitioner tampering with evidence or fleeing from justice, and the need for his further custodial interrogation, none of which, in the present case, have been sufficiently established to justify continued incarceration.

21. Having regard to the age of the petitioner, his clean antecedents,



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the completion of investigation and filing of charge-sheet, the examination of the material witnesses, the absence of any demonstrated likelihood of tampering or absconsion, and the period of incarceration of the petitioner since the date of his arrest i.e. 05.08.2023, this Court is of the considered opinion that the petitioner is entitled to the benefit of bail.

22. Accordingly, in view of the entire conspectus of facts and circumstances as noted hereinabove, the petitioner is admitted to Regular Bail pending Trial in the subject FIR bearing no. 677/2023 dated 18.07.2023 registered at Police Station Shahbad Dairy for the offences under Section 324 of the IPC, subsequently Section 307 of the IPC was added, on his furnishing a personal bond in the sum of ₹ 25,000/- with two surety bonds of the like amount, subject to the satisfaction of the learned Trial Court / CMM / Duty Magistrate and further subject to the following conditions:

- i. The Petitioner shall not leave the NCT of Delhi without prior permission of the Learned Trial Court.
- ii. The Petitioner shall report at P.S. Shahbad Dairy, Delhi, twice a week i.e. every Tuesday and Saturday at 4:00 P.M for marking his presence.
- iii. The Petitioner shall immediately intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change of residential address.
- iv. The Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.



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- v. The Petitioner is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - vi. 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.
 - vii. The Petitioner shall also 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.
23. It is made clear that no observations made above shall tantamount to be an expression on the merits of the petitioner's case and they have been made for the purpose of consideration of Bail alone.
24. A copy of this Order be sent to the Jail Superintendent concerned for information and necessary compliance.
25. Accordingly, the present Bail Application stands disposed of.

SHALINDER KAUR, J

MAY 21, 2025/FRK

Click here to check corrigendum, if any