



\$~29

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

+ **BAIL APPLN. 2894/2025**

JAWAHAR SINGH @ JANAB

.....Petitioner

Through: Mr.Pradeep Chowdhary, Mr.Vikrant
Chowdhary, Mr. Diwanshu Sehgal
and Mohammad Anas, Advocates
(VC)

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr.Sanjeev Sabharwal, APP for the
State alongwith SI Deepak, P.S.-Budh
Vihar

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

09.09.2025

%

1. The applicant herein is before this Court seeking regular bail, having remained under incarceration since 13.11.2024 in a criminal case arising out of FIR No. 0122/2024 dated 27.04.2024 for the alleged offences punishable under Sections 307, 506, 195A and 34 of the IPC, registered at Police Station Budh Vihar.

2. Briefly speaking, per FIR, the complainant stated that one of them had earlier assaulted her and her son, Amit on the night of 21 - 22.12.2023, for which FIR No.555/2023 under Section 308 IPC was registered at P.S. Budh Vihar.

2.1. One day, while the complainant and her daughter-in-law were resting at home, two individuals, namely Vikramjeet Singh @ Vicky and his brother



Janab (the present Applicant), who are residents of the same colony, allegedly barged into the house. They threatened her that however many cases she may file against them, she would not be able to get rid of them.

2.2 On her refusal to withdraw that case, Vikramjeet (co-accused) allegedly took out a screwdriver from his pocket and attempted to hit her on the head.

2.3 In the meantime, her son Amit, who had gone to a nearby shop to purchase curd, returned home and tried to intervene. At that stage, the Applicant allegedly assaulted Amit with the screwdriver on his head, causing injuries.

2.4 Thereafter, both persons allegedly thrashed the complainant and her son and fled the spot. In the course of running away, the screwdriver slipped from Vikramjeet's pocket and fell on the ground, which the complainant picked up and later handed over to the police during investigation.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would inter alia argue as below:-

4.1. That the applicant/accused is a permanent resident of Delhi, residing with his elderly and ailing parents, and has been in judicial custody for the past nine months. It is further submitted that the applicant was earlier granted interim protection by the Sessions Court, but voluntarily surrendered on 04.11.2024 and has remained in custody ever since.

4.2 The investigation against the applicant/accused stands concluded. Both the charge sheet and supplementary charge sheet have already been filed. No further custodial interrogation is required.

4.3 The alleged weapon of offence, i.e., a screwdriver, was not recovered



at the instance of the applicant/accused. Instead, it was handed over to the police by the complainant herself. Hence, the alleged recovery does not fall within the ambit of Section 27 of the Evidence Act.

4.4 The injuries mentioned in the MLC of the complainant and her son are inconsistent with the use of a screwdriver. They appear to be self-inflicted. The prosecution's story, as reflected in the charge sheet, is false and fabricated.

4.5 The alleged incident is said to have occurred in a crowded locality under CCTV surveillance. However, no CCTV footage has been retrieved by the investigating agency, which casts serious doubt on the prosecution's version.

4.6 The parents of the applicant/accused had themselves lodged a complaint dated 30.04.2024 against the complainant and her family, alleging false and fabricated complaints against the applicant and his brother. This demonstrates mala fides and shows that the applicant is being falsely implicated.

4.7 No active role or specific overt act has been attributed to the applicant/accused. Nothing incriminating has been recovered from him, nor is there any material in the charge sheet to establish animosity between the applicant and the complainant.

4.8 The charge sheet does not contain even a shred of evidence to substantiate the allegations against the applicant/accused. The allegations are baseless, uncorroborated, and incapable of sustaining the charges.

5. Opposing the above submissions, the learned APP for the State argues that the applicant is not entitled to any relief at this stage, as there remains a genuine risk of him absconding, influencing or intimidating witnesses, and



tampering with crucial evidence. If released on bail, he may attempt to evade judicial proceedings. An earlier regular bail application was dismissed by the Ld. ASJ, Rohini Courts vide order dated 24.04.2025.

6. Having heard, I am of the view that there may be some substance in the arguments addressed on merits by the learned counsel for the applicant but the same are matter of trial, but at this stage, it is otherwise a fit case for bail. Let us see how.

7. The applicant has already remained in custody since 13.11.2024, for the past 9 months, and the trial is moving at a snail's pace. This prolonged pre-trial detention, coupled with the slow progress of proceedings, are contributory factors for bail.

8. Qua the apprehension of the prosecution that in case let out on bail, the applicant may either influence or intimidate the complainants who are stated to be his neighbours and ladies, learned counsel for the applicant states unequivocally, on instructions, that during the pendency of the trial, the applicant shall relocate somewhere else and shall not either directly or indirectly in any manner approach the complainant.

9. There is also no likelihood of the applicant absconding, given that he is a well-settled individual, has deep roots in society, and is the primary caregiver of his old and ailing parents, who are dependent on him for their well-being.

10. The applicant has no criminal antecedents other than the FIR in question, wherein he is implicated, thus doesn't seem to be a flight risk.

11. Further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future. A prolonged pre-trial detention becomes punitive even before conviction, and



violates the fundamental rule i.e. bail is the rule and jail the exception, particularly when the accused does not pose a flight risk or a threat to the fairness of the trial.

12. As an upshot and taking a wholesome view of the matter, particularly the undertaking given by learned counsel for the applicant and apart from what has been recorded hereinabove, I am of the view that it is a case of bail at this stage.

13. Thus, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

14. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

15. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 9, 2025

dy