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

+ **BAIL APPLN. 3030/2025 & CRL.M.A. 23441/2025**

SANDEEP KUMARPetitioner
Through: Mr. Divy Pal Singh and
Mr. Bharat Bhushan
Singh, Advs.

versus

THE STATE OF NCT OF DELHIRespondent
Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Amit Kumar, PS
Badarpur.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **11.08.2025**

1. By the present bail application, the applicant seeks regular bail in FIR No. 213/2023 dated 29.06.2023, registered at Police Station Badarpur, for the offence under Section 308 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that on 29.06.2023, an information was received in relation to an individual having sustained injuries in an altercation. During the course of enquiry, one of the eyewitnesses, namely, Meena (wife of the applicant), was found who stated that the applicant had invited their relative Vipin to their residence. She further stated that after everyone had gone to sleep, she was woken up by sounds of shouting and she found the applicant physically assaulting Vipin with an iron tava. The injury suffered by the victim was opined to be grievous



in nature. Pursuant to his arrest on 21.08.2023, the applicant allegedly disclosed that he had inflicted physical harm upon the victim as he was suspicious that the victim was engaged in an extra marital relationship with his wife. It is undisputed that the victim till date has not recovered from the injuries and is in comatose state.

3. The bail application filed by the applicant on the earlier occasion was dismissed as withdrawn by this Court by the order dated 29.08.2024.

4. It is settled law that dismissal of bail application as withdrawn is essentially a rejection on merits because as a matter of practice, the counsel withdraws the bail application only if they find that the Court is not inclined to exercise the discretion in their favour [Ref. **Rajkumar v. State (NCT of Delhi) : 128 (2006) DLT 264**].

5. Though the applicant has the right to file successive bail applications, the same can only be entertained in light of material change in circumstances.

6. At this stage, the only change in circumstance seems to be that almost one year has elapsed and the trial has not completed.

7. Long period of incarceration and each additional day spent in custody can potentially alter the circumstances and necessitate a fresh evaluation of the bail application in some circumstances. However, it is informed that all public witnesses have been examined except the victim, who is stated to be in Coma pursuant to the injuries allegedly caused by the applicant. Apart from the victim, only 8 formal witnesses are left to be examined.

8. Considering that the examination of only formal witnesses remains to be conducted, there is a good possibility that the trial



may conclude in the near future.

9. In view of the above, this Court does not consider it apposite to entertain the present application at this stage.

10. The applicant is at liberty to file a bail application afresh if the trial does not conclude within a period of six months.

11. The present bail application is disposed of in the aforesaid terms. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

AUGUST 11, 2025

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