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

Reserved on: 03.09.2025
Date of Decision: 12.09.2025

+ **BAIL APPLN. 3053/2025**

VIKAS DOGRA @ CHUCHUPetitioner

Through: Mr. Ravinder Kumar Gupta,
Adv.

versus

STATE NCT OF DELHI & ANR.Respondents
Through: Mr. Raghuinder Verma, APP
for State with Mr. Aditya Vikram Singh,
Adv.
Mr. Surender, Adv. for respondents.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ [earlier Section 439 of the Code of Criminal Procedure, 1973²] has been preferred by the petitioner, seeking grant of regular bail in respect of FIR No. 15/2025, Police Station Moti Nagar, Delhi, registered under Section 110 of the Bharatiya Nyaya Sanhita, 2023³.

2. The case arises from an incident reported on the night of 09.01.2025, around 10:30 p.m., near Yadav Dairy, Karampura D-Block.

¹ hereinafter "BNSS"



3. Following information received, the police reached Acharya Shree Bhikshu Government Hospital⁴, where MLC No. 133/25 was prepared for Gaurav s/o Manoj, aged 22 years. The MLC recorded a stab wound and was endorsed as a case of physical assault. Along with the MLC, the doctor handed over sealed exhibits including the blood-stained clothes of the injured and blood samples in two vials, which were taken into police possession through a seizure memo.
4. On the same night, MLC No. 134/25 was prepared for the petitioner, who was also found injured and medically examined. His blood-stained clothes and blood samples were similarly seized under seal.
5. The Investigating Officer recorded the statement of Gaurav at ABG Hospital, and thereafter visited the spot near Yadav Dairy, Karampura D-Block, where a crime team inspection was conducted. The team lifted exhibits including a knife allegedly recovered from the spot, photographs were taken, and a site inspection was carried out. The proceedings were duly documented in the crime team's report.
6. Based on the complainant's statement, the medical documents, and the exhibits seized, an offence under Section 110 of the BNS was found to be made out. A rukka was prepared on 10.01.2025, and handed over for registration of the FIR. Consequently, FIR No. 15/2025 was registered on 10.01.2025.

² hereinafter "CrPC"

³ hereinafter "BNS"

⁴ hereinafter "ABG Hospital"



7. The petitioner was formally arrested on the morning of 10.01.2025 at about 6:15 A.M. His arrest was followed by completion of arrest memos and medical examination.

8. During the course of investigation, the statements of material witnesses were recorded under Section 180 BNSS. Exhibits collected, including the blood samples and seized articles, were sent for forensic examination.

9. After completion of investigation, a chargesheet was filed on 15.02.2025 before the learned Magistrate. Cognizance was taken, and after supply of documents to the accused, the matter was committed to the learned Court of Session on 29.03.2025 for trial.

10. As per the record, the framing of charges has been deferred owing to the non-appearance of the Investigating Officer and charges have not yet been framed.

11. The petitioner has been in judicial custody since 10.01.2025. The prosecution has cited twelve witnesses in the chargesheet.

12. In the meantime, the petitioner moved successive bail applications before the learned Trial Court, which came to be dismissed on 04.03.2025, 25.04.2025, and 09.06.2025, respectively. The present petition before this Court has been filed thereafter.

Submissions on behalf of the petitioner

13. Mr. Ravinder Kumar Gupta, learned counsel for the petitioner, submits that the petitioner has been in judicial custody since 10.01.2025 and has been falsely implicated in the present case. It is



urged that the incident arises out of a trivial neighbourhood quarrel over a monetary dispute of merely Rs. 500/-, and both the complainant and the petitioner were medically examined at ABG Hospital, where the attending doctor categorically opined that the injuries suffered were *simple in nature*.

14. Learned counsel contends that despite this clear medical opinion, the Investigating Officer⁵ has erroneously invoked Section 110 of the BNS, treating the injuries as grievous, without obtaining any fresh or contrary opinion from the medical authorities. It is argued that the FIR and chargesheet, therefore, stand vitiated by this mischaracterisation of the injuries.

15. It is further submitted that the petitioner is 28 years old with no prior conviction.

16. Learned counsel also points out that the petitioner has now undergone more than seven months of incarceration without commencement of trial. Although the chargesheet was filed on 15.02.2025, and the matter was committed to the learned Sessions Court on 29.03.2025, charges have not yet been framed, primarily due to repeated non-appearance of the IO. As such, the progress of trial remains stalled.

17. It is argued that the injured was discharged from hospital on the very same day of the incident after receiving first aid and preliminary treatment. In view of the nature of injuries, continued incarceration of the petitioner would amount to undue harassment and pre-trial punishment.

⁵ hereinafter "IO"



18. Learned counsel further submits that the present application is the second one before this Court, the earlier application having been dismissed by the learned ASJ (FTSC), West District, before filing of the chargesheet. Since then, circumstances have materially changed with completion of investigation and filing of the final report.

19. On these grounds, learned counsel prays that the petitioner, who has remained in custody for over half a year despite the injuries being simple in nature and the trial yet to commence, be enlarged on regular bail.

Submissions on behalf of the respondent

20. *Per contra*, Mr. Raghuinder Verma, learned APP for the State, opposed the grant of bail. At the outset, it is contended that the MLC No. 133/25 of the injured, records injuries on the upper and lower lip. Although initially opined as simple, the said injury has subsequently been assessed as grievous in nature on account of being a case of permanent disfigurement of the face. The learned APP contended that the nature of such injury, even if at first glance minor, reveals a far more serious consequence.

21. It is argued that the petitioner inflicted stab wounds upon the victim with clear intention to cause harm, and the mere fact that the injuries were at the outset described as simple does not diminish the gravity of the act. On the contrary, the deliberate use of a knife to inflict injuries upon the facial region demonstrates a clear *mens rea* and a degree of recklessness which could easily have resulted in graver consequences. The learned APP, therefore, argued that the



assault in question cannot be trivialised and must be treated with the seriousness it deserves.

22. Learned APP points out that the altercation between the parties arose from a trivial dispute of merely Rs. 500/-, which renders the petitioner's act even more unjustified. It is also submitted that the petitioner is not a person of clean antecedents.

23. Lastly, the learned APP emphasizes that the matter is now fixed before the learned Trial Court for arguments on charge. In such circumstances, enlarging the petitioner on bail at this stage would not be apposite. Rather, it is urged that the trial be permitted to proceed unhindered, as any release of the petitioner at this juncture may adversely affect the administration of justice.

Analysis

24. Heard learned counsel for the parties and perused the record.

25. The injury in question, following the incident, was classified as simple in nature through the MLC. It is categorically noted in the MLC No. 133/25 and MLC No. 134/25 that the injuries sustained by the victim and the petitioner were simple. The victim was discharged from the hospital on the very same day of the incident after receiving first aid and preliminary treatment, which suggests that the injury did not require any serious or prolonged medical attention. This supports the argument that the injuries, despite being inflicted with a knife, were not severe in nature.



26. Furthermore, the petitioner has already been in judicial custody since 10.01.2025, for an injury that has been classified as simple. While the respondent has argued that, although initially opined as simple, the injury has subsequently been assessed as grievous due to permanent disfigurement of the face, this argument has not been substantiated by any medical documentation or fresh medical opinion, apart from the initial MLC. In fact, the MLC reports consistently characterize the injury as simple, with no mention of a permanent disfigurement that would elevate it to a grievous category.

27. The submission made by the respondent that the initial classification of the injury as simple cannot be disregarded in light of the possibility of more serious consequences is noted. However, it must be remembered that at the stage of deciding bail, the Court cannot make conclusions about the final outcome of the trial, which will depend on the evidentiary value of the testimonies and further evidence that may emerge during the trial. The MLC reports do indicate that the injuries were simple in nature, and this cannot be ignored at this stage. Moreover, the victim did not require hospitalization beyond first aid and was discharged promptly, which further affirms the minor nature of the injuries sustained.

28. The stage of the trial, as per the submissions, is at the arguments on charge. Additionally, certain exhibits have been sent for expert opinion to the FSL Rohini, and the result shall be incorporated in the supplementary chargesheet. This Court, while considering the bail application, cannot be oblivious to the fact that the case has not yet reached its final stage, and several aspects of the prosecution's case are still to be examined and adjudicated by the learned trial court.



29. Considering the aforesaid facts and circumstances, the petition is allowed and the petitioner is enlarged on bail on his furnishing a personal bond of Rs. 25,000/- with two surety of like amount to the satisfaction of the learned Trial Court, further, subject to the following conditions:

- a) The petitioner shall not leave the country without the express permission of the court.
- b) The petitioner shall appear before the court whenever the matter is taken up for hearing.
- c) The petitioner shall provide all of his mobile numbers to the IO concerned, ensuring that they remain in working condition at all times.
- d) The petitioner shall not change any mobile number without prior intimation to the IO.
- e) The petitioner shall not indulge in any criminal activity and shall not contact or communicate with any witnesses or their family members.

30. The petition, along with all pending applications, is disposed of.

31. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

32. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

SEPTEMBER 12, 2025/ar/yr