



\$~4

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

+ **BAIL APPLN. 3276/2024**

PRASHANT@KITTU

.....Petitioner

Through: Mr. Saroj Kumar Jha, Adv. (through
VC)

versus

THE STATE GOVT OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Shubhi Gupta, Adv. for the State.
SI Nitin Kumar, P.S. Harsh Vihar and
ASI Satinder Kumar, Traffic Police.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.04.2025

%

1. The present application under Section 483 of the BNSS has been filed seeking regular bail in FIR No. 503/2023, under Section 307 of the IPC, registered at P.S. Harsh Vihar.

2. The case of the prosecution is that, on 01.09.2023, *vide* GD No. 70A an information was received regarding MLC at P.S. Harsh Vihar. Accordingly, the police personnel from the concerned Police Station reached GTB Hospital, where the complainant/PW-1, Sagar, was admitted. The MLC indicated, "Alleged history of stab injury near Char Khamba Park, Mandoli, Delhi around 3:00 pm on 01.09.2023". The said complainant was declared fit for making statement and accordingly, his statement was recorded, wherein, he alleged that on 01.09.2023, after leaving his office at about 02:00 pm, he reached Char Khamba Park, Mandoli, Delhi and went behind the trash dump



to urinate, suddenly the present applicant, whom he knew, appeared with a knife in his hand and attacked him with intention to kill. After the attack, as the complainant tried to escape, the applicant attacked him twice on the back of the complainant with the intention to kill him.

3. On the basis of the aforesaid statement, the FIR was registered, investigation was conducted and on completion of the same, chargesheet was filed before the Court of competent jurisdiction.

4. Learned counsel for the applicant submits that there has been no recovery of the knife, alleged weapon of offence, and all the public witnesses including the complainant have already been examined before the learned Trial Court. It is further submitted that the applicant has been in custody since 02.09.2023 and he was released on interim bail for two days and without misusing the liberty granted to him, he had duly surrendered on time.

5. *Per contra*, learned APP for the State submits that PW-1/Complainant) has been examined before the learned Trial Court and he has supported the case of the prosecution and the trial is near completion.

6. Heard learned counsel for parties perused the records.

7. The applicant has been in custody since 02.09.2023. The complainant/PW-1 including all the public witnesses have already been examined before the learned Trial Court. Nominal roll dated 16.11.2024 shows that the applicant is not involved in any other previous offences.

8. Nominal roll further shows that the present applicant was released on interim bail for 2 days and without misusing the liberty granted to him, he had duly surrendered on time.

9. In the totality of the facts and circumstances of the present case, the present application is allowed and the applicant is directed to be released on



bail on his furnishing a personal bond in the sum of Rs. 25,000/- along with one surety of the like amount to the satisfaction of the learned Trial Court/Link Court, further subject to the following conditions: -

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
10. The present application is allowed and disposed of accordingly.
 11. Pending applications, if any, also stand disposed of accordingly.
 12. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made are herein only for the purpose of the present bail application.
 13. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
 14. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 01, 2025/NG

Click here to check corrigendum, if any