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

+ **BAIL APPLN. 3309/2024**

AMAN CHANDERBHAN YADAV@ CHAUVA PAUVA

.....Petitioner

Through: Mohd. Saleem, Adv.

versus

THE STATE DELHI ADMN DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **03.02.2025**

1. This is a petition filed under section 439 read with section 482 of Code of Criminal Procedure, 1973 seeking grant of regular bail to the petitioner in FIR No. 160/2021, dated 13.06.2021 registered at PS Madhu Vihar under Sections 307/34 of IPC, 1860 and sections 27/54/59 of the Arms Act, 1959.
2. In the present case, the petitioner has been in custody since 15.10.2021.
3. As per the FIR, the facts are that one person, namely, Mr. Shashi Keshla S/o Balbir Singh was beaten by 5 – 6 unknown persons. Thereafter, the complainant was taken to the hospital, whereby the nature of injury caused to complainant was found to be grievous and the complainant was 'unfit for statement'. After the complainant was discharged from the hospital the statement of the complainant was recorded whereby, he stated that the petitioner along with other accused persons caught hold of the complainant and assaulted him.
4. Out of all the accused persons, one Naveen @ Kankata was having a



pistol in his hand and he hit the complainant with the butt of the pistol. The petitioner along with his brother had beaten the complainant with a *danda*.

5. Hence the present FIR came to be registered.

6. The other accused persons namely Rihan @Chottu, Manju, and Neeraj Kumar, who had similar roles, have already been granted bail.

7. In the present matter, the allegations against the petitioner are serious in nature and the petitioner is accused of hitting the complainant with a *danda*, however the fact remains that the petitioner is still an under trial prisoner.

8. The charges against the petitioner are yet to be proved. Further, the prosecution has cited 43 witnesses, out which only 6 have been examined till date and the complainant has already been examined.

9. To my mind, the trial is unlikely to conclude in the near future. Till the trial is concluded, the petitioner is presumed to be innocent.

10. The petitioner has already undergone incarceration for a period of around 3 years and 3 months and the rights under Article 21 of the Constitution of India are paramount and every accused is entitled to a speedy trial.

11. On 27.01.2025, the petitioner was required to hand over the status of FIR No. 128/2009 and FIR No. 624/2014.

12. The same has duly been handed over, wherein it has been shown that the petitioner is on bail in both the FIRs. Apart from that, the petitioner is involved in 8 other FIRs, however the petitioner is on bail in all the FIRs registered against him.

13. For the said reasons, I am inclined to allow the present petition and the petitioner is hereby directed to be released on the following terms and



conditions: -

- (a) The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the concerned Trial Court;
- (b) The petitioner shall provide his mobile number to the concerned IO, which shall be kept in working condition and switched on at all times. The petitioner shall also provide his permanent residential address and in case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned IO as well as to the concerned Court;
- (c) The petitioner shall not indulge in any of the criminal activities during his bail period;
- (d) The petitioner shall not leave the country without permission of the competent Court during the bail period and surrender his passport, if any, at the time of release before the concerned Court;
- (e) The petitioner shall not directly/indirectly try to get in touch with complainant or any prosecution witnesses or tamper with the evidence.

14. The petition is disposed of accordingly.

FEBRUARY 3, 2025 / (MS)

JASMEET SINGH, J

Click here to check corrigendum, if any