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

+ **BAIL APPLN. 3398/2024**

NEERAJ KUMAR

.....Petitioner

Through: Mr Satayam Singh, Ms Mudrika
Tomar, Ms Sneha Rani and Mr
Dheeraj Kumar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms Priyanka Dalal, APP for State
SI Vineet, Ps-Madhu Vihar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

08.01.2025

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1. This is a petition filed under section 439 of Code of criminal Procedure, 1973 seeking grant of regular bail in FIR No. 160/2021, dated 13.06.2021 under Sections 307/34/120-B/367 of IPC, registered at Police Station-Madhu Vihar.
2. Briefly stating the facts are that the FIR came to be registered on the complaint of one, namely, Mr. Shashi Kumar Keshla (victim), stating that he was assaulted by 5-6 individuals, including the present petitioner, who dragged him and beat him with fists and the pistol butt. As per the FIR, it was Naveen @Kankata who allegedly hit the complainant/victim with a pistol butt, while the role attributable to the petitioner is that he had delivered fist blows to the complainant.
3. The original FIR does not carry the name of the petitioner but the



petitioner has been named in the supplementary statement and subsequently in the charge-sheet.

4. The other co-accused, namely, Rihaan who has been ascribed a similar role has already been granted bail on 08.05.2023.

5. Prima facie, it appears that the petitioner at best can be said to have given fist blows to the complainant. As per the FIR, the pistol/pistol butt was used by Naveen.

6. As per the nominal roll dated 15.12.2024, the petitioner has been incarcerated for about 3 years, 5 months and 19 days and is an under trial prisoner. The allegations against him are yet to be proved. In addition, there are 30 witness cited by the prosecution, out of which only 6 witness have been examined till date.

7. I am of the view that the trial is not likely to conclude in near future and the continued incarceration of the petitioner will not serve any purpose. Further, the co-accused has also been granted bail.

8. For the aforesaid reasons, the petitioner is directed to be released on regular bail subject to the following conditions:

- (a) The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) each with 01 surety in the like amount, to the satisfaction of the Trial Court;
- (b) The petitioner shall not leave the country and if the petitioner has a passport, he shall surrender the same before the Trial Court;
- (c) The petitioner shall also furnish his permanent residential address and in case he changes his address, he will inform the same to the IO concerned and this court also;



- (d) The petitioner shall furnish to the IO/SHO concerned his cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - (e) The petitioner shall appear before the concerned Court as and when the matter is taken up for hearing;
 - (f) The petitioner shall not indulge in any act or omission that is unlawful, illegal or that would prejudice the proceedings in pending cases, if any;
 - (g) The petitioner shall not contact or try to intimidate the complainant or his family members or tamper with any of the witnesses in any way.
9. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.
10. Copy of this order be communicated to the concerned Jail Superintendent electronically for information.
11. The petition is disposed of accordingly.
12. *Dasti.*

JASMEET SINGH, J

JANUARY 8, 2025

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