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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3326/2025**

BALRAM @ BALLU

.....Petitioner

Through: Mr.Abhinav Rathi and Mr.Suraj
Goliyan, Advocates (VC)

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr.Sanjeev Sabharwal, APP for the
State

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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01.09.2025

CRL.M.As. 25944-45/2025 (Exemptions)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

BAIL APPLN. 3326/2025

1. The applicant is before this Court seeking anticipatory bail owing to his apprehension of arrest arising out of FIR No. 0411/2025 dated 18.07.2025 for alleged offences under Sections 115 [voluntarily causing hurt], 126 [wrongful restraint], 333 [house trespass after preparation for hurt, assault or wrongful restraint], 3(5) [common intention] of BNS, registered at Police Station Jaitpur, Delhi.
2. Per FIR, the complainant, working as a carpenter, stated that his wife Rani had passed away in May 2023 and three children are born from the wedlock. For the last one year, he had been friends with a woman named Renu Sharma, whose husband is the applicant herein. Renu's sister is



Sangeeta, married to co-accused (Deepak), and Sangeeta's friend is auto driver Ved Prakash. Renu's father is Joginder Sharma.

2.1 Earlier, while working in Mumbai, Renu had told the complainant to come to her maternal home in Mithapur with his children, where her parents resided, and she would also live with him. Subsequently, in June 2024, complainant came to Delhi with his children and started residing with them and Renu at her parental house, with the knowledge of her parents and her husband. On 20th June, the complainant had also filled vermilion in Renu's parting in the same house, and thereafter, they lived as husband and wife. At times, Renu visited her in-laws' house in Ghaziabad, but in March 2025, due to some differences, the complainant shifted with his children on rent, and since then had no connection with Renu.

2.2 On 18.07.2025, while he was sleeping at his rented house, Renu, her father Joginder, applicant, her sister Sangeeta, her brother-in-law (co-accused) and Ved Prakash forcibly entered and assaulted him. Joginder dragged the complainant outside, and all of them beat him mercilessly in the street. Renu, Sangeeta, Ved Prakash, co-accused and Joginder assaulted him with kicks and punches, while the applicant struck his left arm above the elbow and both legs several times with a cricket bat. The complainant was then taken to Safdarjung Hospital by PCR. Subsequently, the present FIR was registered and investigation ensued.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant contends that the FIR is false and fabricated, lodged with ulterior motives to implicate the applicant in offences never committed by him. It is urged that while rejecting the bail



application, the Ld. Court below overlooked vital facts and failed to consider the law laid down in *Arnesh Kumar v. State of Bihar* (2014) 8 SCC 273, which restricts mechanical arrests and mandates strict compliance with Section 41 Cr.P.C. The offences alleged—Sections 115, 126, 333 and 3(5) of the BNS, 2023—have also not been appreciated in their correct legal perspective. Sections 115 and 126 are bailable offences with minor punishments, while only Section 333 is non-bailable, attracting the ratio in *Arnesh Kumar*. Reliance is further placed on *Gurbaksh Singh Sibbia v. State of Punjab* (1980) 2 SCC 565, emphasizing that anticipatory bail must not be denied mechanically but assessed on the facts and circumstances of each case.

5. It is further submitted that the mere non-recovery of the alleged weapon cannot justify denial of anticipatory bail. The applicant has expressed willingness to cooperate with the investigation, join inquiry as required, and undertake not to tamper with evidence or influence witnesses. He is a permanent resident of Ghaziabad, has deep roots in society, no past criminal antecedents, and poses no flight risk. In these circumstances, it is urged that no useful purpose would be served by arresting or incarcerating the applicant, and the protection of anticipatory bail deserves to be granted.

6. Opposing the submissions advanced on behalf of the applicant, the learned APP for the State forcefully argues that the application is wholly devoid of merit. Given the seriousness of the offence, the nature of injuries caused, and the stage of investigation, the applicant cannot claim any indulgence. There exists a real and substantial apprehension that, if released, the applicant may abscond or tamper with the prosecution evidence. The application, therefore, deserves outright rejection.



7. The record reflects that the applicant's earlier bail plea was dismissed by the learned ASJ, Saket Courts, Delhi, vide order dated 02.08.2025 in Bail Matter No. 2037/2025, noting the grievous injuries suffered by the complainant, three fractures, including both legs and the left arm, necessitating emergency surgery and prolonged hospitalization.

8. Having perused the order, *ibid*, I find myself in agreement with the reasoning of the Sessions Court. The MLC on record substantiates the severity of injuries, while video footage unmistakably depicts the applicant wielding a cricket bat and brutally assaulting the victim. In such circumstances, the risk of the applicant intimidating witnesses, influencing the victim, or fleeing from justice is manifest.

9. At this stage, no opinion can be formed in favour of the applicant to accord him concession of bail.

10. In the premise, the applicant's bail deserves rejection given the gravity of the offence and the weight of the evidence. Protection of the victim to my mind, at this stage, outweighs any claim for liberty by the petitioner.

11. Taking the wholesome view of the matter, it is not a case where the applicant is entitled to the discretionary relief of anticipatory bail.

12. Accordingly, the present application, along with pending application(s), if any, stand dismissed.

ARUN MONGA, J

SEPTEMBER 1, 2025/dy