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

+ **BAIL APPLN. 3811/2024**

ASHISH TANEJA @ BHATIJA

.....Petitioner

Through: Mr. Harsh Vardhan Sharma & Mr.
Harsh Saini, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
Insp. Baljeet Singh & Insp. Deepak
Dahiya, P.S. Vikas Puri.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

23.04.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 BNSS (Section 439 of the Cr.P.C.) seeks regular bail in case FIR No. 56/2018, under Sections 302/392/397/34 of the IPC, registered at P.S. Vikas Puri.
3. The case of the prosecution is that on 06.02.2018 at around 1:30 A.M. DD No. 9A was received that one person has been assaulted with a knife by 3 persons at Balmiki Chowk, Harijan Basti, Budhela Village, New Delhi. On receiving the said information, the concerned police personnels reached the spot where blood was lying on the ground at two places and two eye witnesses namely Sahdev Yadav and Yogender Yadav were also present at the spot. During enquiry, it was revealed that one person namely Ravinder Yadav had been assaulted with a knife and an incident of robbery had been committed by



3 persons. Subsequently, it was revealed that the injured was brought dead to DDU Hospital.

4. Statement of witness Sahdev Yadav was recorded who stated that he alongwith his three friends including the deceased namely Ravinder Yadav were coming back to his house after selling vegetables. It is stated that at about 1 AM in the night, when all of them reached near Dusshera Ground, Kali Mata Temple, Vikas Puri, 3 boys were standing below a street light and started to stare at the complainant (Sahdev Yadav) who was walking ahead of all of them. It is further alleged that when complainant Sahdev Yadav was near his house, he heard the screams of the deceased and he alongwith his two friends Yogender Yadav and Jeevan Yadav rushed back and found that two boys had caught hold of the deceased and one boy was stabbing the deceased when they tried to save him. It is also stated that upon their efforts to save the deceased, the boys showed them knives and they could not save him. It is further alleged that all three boys robbed a mobile phone and money from the deceased and fled away on a scooter. It is further alleged the one boy having a strong built also showed them a pistol and they tried to catch them. After investigation, chargesheet has been filed. The matter is at the stage of prosecution evidence.

5. Learned counsel appearing on behalf of the applicant submits that three eye witnesses namely PW-1 Sahdev Yadav (complainant), PW-2 Jeevan Yadav and PW-3 Yogender Yadav, who are stated to be the eye witnesses have since turned hostile and have not identified the present applicant as well as other accused persons. It is further submitted that other two accused persons namely Puneet Lohchab@ Rahul@ Sandeep@ Kana and Daljit Singh @ Deepu have already been granted bail by the learned Trial Court on



06.06.2023. It is further submitted that the applicant stands on the same footing as the other co-accused persons because the eye witnesses have not identified the present applicant. It is further submitted that the applicant has been in judicial custody since 13.02.2018 and out of 31 witnesses which have been cited by the prosecution only 21 witnesses have been examined so far.

6. *Per contra*, learned APP for the State on the instructions of the Investigating Officer, confirms the fact that the eye witnesses have not identified the present applicant, however, it is stated that a knife was recovered and the DNA shows the presence of blood of the deceased on the said knife. It is further submitted that the present applicant is involved, as per the status report in 21 offences and is also serving a sentence of 7 years in another case. It is further submitted that out of 31 witnesses 5 have already been dropped by the prosecution and the evidence is at the last stage.

7. Learned counsel for the applicant submits that in the case related to his conviction he has been granted bail by a Coordinate Bench of this Court in the appeal pending *qua* the said conviction.

8. Admittedly, the three material eye witnesses have not identified the present applicant and other co-accused persons. The other two co-accused persons have been released on bail by the learned Trial Court. The orders granting bail reflect that the said applicants were also involved in various other offences as has been stated *qua* the present applicant.

9. Nominal roll dated 21.03.2025 received from the Office of the Superintendent, Central Jail No.1, Tihar, New Delhi shows that the applicant has been in custody since 13.02.2018 and as on 19.03.2025 he has undergone 7 years and 1 month. The nominal roll further reflects that 5 FIRs out of which 1 FIR is stated to be pending in which he is already on bail.



10. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to 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 report at the concerned Police Station twice in a month, i.e., on every 2nd and 4th Monday of the month at 4:00 PM and the concerned officer is directed to release him by 5 :00 PM after recording his presence and completion of all the necessary formalities.
 - vi. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
11. The application is allowed and disposed of accordingly.
12. Pending application(s), if any, also stand disposed of.
13. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
14. Copy of the order be sent to the concerned Jail Superintendent for



necessary information and compliance.

15. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 23, 2025/nk/pr

Click here to check corrigendum, if any