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

+ BAIL APPLN. 3720/2025

RAJ RAJPUT

.....Petitioner

Through: Mr. Mohit Kapoor and Mr. Nitin
Bhardwaj, Advs.

versus

STATE GOVT OF NCT DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP with SI
Mahendra Koli, P.S.Bhalswa Dairy.

+ BAIL APPLN. 4166/2025

SAMEER ALI

.....Petitioner

Through: Mr. Mohit Kapoor and Mr. Nitin
Bhardwaj, Advs.

versus

STATE GOVT OF NCT DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP with SI
Mahendra Koli, P.S.Bhalswa Dairy.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

26.11.2025

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This matter is taken up today as 25.11.2025 was declared a holiday on account of 'Guru Teg Bahadur's Martyrdom Day'.

1. The present applications have been moved for the grant of regular bail filed on behalf of applicants Raj Rajput and Sameer Ali in case FIR No. 330/2025, under Sections 109(1)/3(5) BNS, 2023, registered at Police Station Bhalswa Dairy.
2. Briefly stated the facts of the case as per the chargesheet are that, on 11.05.2025, on receipt of DD No. 94-A and 82-A, SI Mahendra Koli along



with Ct. Hari Ram reached BJRM Hospital, where MLC No. 279589 of injured complainant was obtained, recording multiple lacerated wounds and referral to LNJP Hospital. As no statement or eyewitnesses were available initially, complainant's statement was later recorded on 12.05.2025 after discharge, wherein he alleged that Sameer, with whom he had an old quarrel, along with two friends, attacked him near Nav Jeevan Convent School with an iron pipe and sticks, causing injuries, and they fled leaving the weapons behind. The site plan was prepared, CCTV was checked but none of the CCTV covered the spot and despite inquiry, no witnesses were found. Complainant's blood-stained T-shirt and recovered weapons (iron pipe and two sticks) were seized and sealed. On 13.05.2025, acting on information, three boys, Sameer Ali, Bharat Kumar Mehra and Raj Rajput, were apprehended, they were identified by the complainant, arrested and medically examined. All three gave disclosure statements and pointed out the place of occurrence. Age verification records of the accused were collected, the MLC was submitted for final opinion and exhibits were sent to FSL. Upon finding sufficient evidence, chargesheet was filed against the applicants, Sameer Ali and Raj Rajput along with co-accused Bharat Kumar Mehra, under Sections 109(1)/3(5) BNS, and all were sent to judicial custody.

3. Learned counsel for the applicants submits that co-accused Bharat Kumar Mehra, standing on similar footing, has already been granted bail by the Trial Court, whereas the present applicants have been denied the same, and therefore bail is sought on the ground of parity. It is submitted that CCTV footage from the spot, which could have shown that the applicants were not involved, has not been seized by the investigating agency, and that



the injuries sustained by the complainant were self-inflicted, particularly since the complainant himself went to lodge the FIR despite allegedly being grievously injured. It is further submitted that as evident from his photographs, the complainant himself is not a person of clean antecedents. It is lastly submitted that the applicants are young boys below 20 years of age with no previous criminal antecedents and therefore deserve the benefit of bail.

4. Learned APP for the State has opposed the bail applications. He has made his submissions on the line of the status report. It is argued that the allegations against the applicants are grave and serious in nature. Trial is at an initial stage and charges are yet not finalized. It is further submitted that during investigation, the victim's father filed a complaint at PS Bhalaswa Dairy vide DD No. 31-A, alleging that Sameer's father Iqbal extended threats to kill him and his son Nishant. He filed another complaint vide DD No. 72-A dated 10.07.2025, alleging that two unknown persons had threatened to kill him and his son, if they oppose the bail application of Iqbal's son Sameer. It is submitted that even though during enquiry, the unknown persons could not be identified, there is apprehension that upon being released on bail, applicants may threaten or influence the witnesses, and therefore, applicants are not entitled for grant of bail at this stage.

5. Having considered the submissions advanced and upon perusal of the material placed on record, this Court finds that the allegations against the applicants are grave and serious in nature. The Status Report indicates that, the complainant, in his statement, has categorically asserted that applicant Sameer Ali struck him on the head with an iron pipe, causing bleeding injuries, and thereafter exhorted his companions by stating "*Kya dekh rahe*



ho, maaro ise, aaj ye bachna nahi chahiye.” Upon such instigation, the co-accused also assaulted the complainant with sticks. The nature of injuries, the use of a deadly weapon, and the overt act attributed specifically to the applicants *prima facie* reflect a deliberate and coordinated attack, which cannot be viewed lightly at this stage while examining a plea for bail. Learned APP has produced the photographs of the victim to show that the injuries suffered by the victim are serious in nature and could not have been self-inflicted, as contended by the learned counsel for the applicants.

6. The Supreme Court held that while considering bail, nature and gravity of the accusation, severity of punishment, and reasonable possibility of securing the accused for trial are relevant factors. Reliance can be placed upon the Supreme Court precedent in ***State of U.P. v. Amarmani Tripathi***, (2005) 8 SCC 21 wherein it was *inter alia* held as under;

“18. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail [see Prahlad Singh Bhati v. NCT, Delhi [(2001) 4 SCC 280 : 2001 SCC (Cri) 674] and Gurcharan Singh v. State (Delhi Admn.) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41 : AIR 1978 SC 179]]. While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in Kalyan Chandra Sarkar v. Rajesh Ranjan [(2004) 7 SCC



528 : 2004 SCC (Cri) 1977] : (SCC pp. 535-36, para 11)

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge.

(See RamGovind Upadhyay v. Sudarshan Singh [(2002) 3 SCC 598 : 2002 SCC (Cri) 688] and Puran v. Rambilas [(2001) 6 SCC 338 : 2001 SCC (Cri) 1124] .)”

7. It is pertinent to note that the victim himself is yet to be examined and the trial has not even commenced. Given the nature of accusations and the fact that the injured complainant is a material witness, the possibility of influencing or intimidating witnesses prior to their testimony cannot be ruled out at this juncture. The apprehensions of the prosecution as well as the complainant regarding threat and pressure on the complainant side, as reflected in complaints made by the father of the injured, lend weight to this concern and justify a cautious approach.

8. Applicants and co-accused had used iron pipe and sticks wrapped with iron sheet with the help of iron nail on its one hand at the time of commission of offence. The status report reveals that victim suffered injuries on the vital parts of his body. The allegations are grave and serious in



nature.

9. Hence, keeping in view the nature and gravity of allegations, the weapons used in the commission of offence, the injuries suffered by the victim and the threats extended to the complainant, I am not inclined to grant bail to the applicants at this stage.

10. Accordingly, both the bail applications stand dismissed.

11. However, nothing stated herein shall tantamount to be an expression on the merits of the case.

RAVINDER DUDEJA, J

NOVEMBER 26, 2025/NA