



\$~6

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

+ **BAIL APPLN. 4002/2024**

AMIT @ AJAY @ BITTU

.....Petitioner

Through: Mr. Hirein Sharma, Mr. Vimal Tyagi, Mr. Balaji Pathak and Mr. Saurabh Goel, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the State.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

%

31.01.2025

1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS (Section 439 of the Cr.P.C.) seeks regular bail in case FIR No. 308/2024, under Sections 452/307 of the IPC, registered at P.S. Sarai Rohilla.
3. The case of the prosecution as per the status report authored by SHO PS Sarai Rohilla is as under:-

“1. That on 28.05.2024 an information vide DD No. 68 A received from the Jivan Mala Hospital regarding admission of PT. namely Kanti Prasad Garg S/o Lt. Sh. Sundar Lal R/o A-556/1, Shastri Nagar, Delhi after sustaining stab injury at home. IO/SI Sanjay Nain alongwith staff reached at the said hospital and collected the MLC No. 93/24 namely Kanti Prasad mentioned above, wherein Dr. mentioned A/H/O someone breaking and entering Patient house and stabbed patient in right side of abdomen, O/E approx. 3.5 cm wide stab wound in LT Hypochondrium region which is approximately 4- 5 cm deep. The pt. was not in condition to give the statement after that IO along with the staff reached at the residence of the injured. Scene of crime was got inspected by the crime team north. Exhibits were lifted and taken into police possession. As that time no eyewitness found and victim was also not in sound condition to give



statement, a case was registered on the above mentioned DD entry vide FIR No. 308/24 U/s 324/452 IPC on the basis of the MLC, circumstances and information received through the said DD entry and investigation was taken up.

2. That, during investigation CCTV footages of nearby places were analysed and a suspicious person on a black scooty wearing white colour shirt and black pant was seen near the victim's house at the time of incident.

3. That, on 29.05.24 victim/injured Kanti Prasad stated that on 28.05.24 at around 2:15 pm he along with his wife was present at his house. Meanwhile an unknown person wearing white colour shirt and dark pant with mask on his face carrying a bag forcefully entered in the house and opened his bag. When victim objected his forceful entry in the house. the accused hit on his head with the helmet. Further, the accused took out a knife from his bag and stabbed him in left side of the stomach. After that he fled from the spot leaving his helmet, bag and mask at the spot.

4. That, the as per the CCTV footage, the accused/applicant person was identified as Amit @ Ajay @ Bittu S/o Lt. Sh. Om Prakash R/o 8602, Mohalla Bhadgarh, Roshnara Road, Delhi and accused was found absconding when the IO visited his house.

5. That, on 06.06.24 accused/applicant surrender himself at PS and admitted his involvement in the present case. Further he disclosed that his girl friend namely Pooja was working as a maid at the victim's residence and the victim Kanti Prasad used to scold her over late coming at the work. So he planned to take revenge from the victim Kanti Prasad. During execution of the plan accused took a black colour scooty from his friend Irfan and reached at the victim house and stabbed him. Further accused was arrested in the present case.

6. That, on 07.06.24 during PC the weapon of offence i.e. Knife was recovered at the instance of accused/applicant from V-shape gym and the clothes and shoes worn by the accused during commission of the offence were also seized from his house at his instance. The black scooty used in the offence was also recovered at this instance from Shakti Nagar.

7. That, Irfan who handed over the said scooty to accused was interrogated who stated that on 28.05.24 accused Amit @ Bittu who is his friend asked his scooty for some urgent work. He gave the same to Amit @ Bittu and at eveing Amit @, Bittu returned his scooty and told that he had stabbed someone at someone. Further, the photo obtained from CCTV footage was shown to Irfan who correctly indetited the person seen in the photo with a scooty as Amit @ Bittu @ Ajay. Further, on 29.08.24 victim Kanti Prasad also identify the accused by the dossier



photo.”

4. Learned counsel appearing on behalf of the applicant submits that the injured eye-witness, who has been examined as PW-1, i.e., Kanti Prasad Garg, has not supported the case of the prosecution with respect to the present applicant’s identity and in his examination-in-chief has not identified the present applicant. It is further submitted that the other eye-witness, i.e., wife of PW-1 has since passed away and there are no further no public witnesses to be examined. It is submitted that 20 witnesses have been cited by the prosecution and out of that, only 1 witness has been examined yet. It is further pointed out that the applicant is not involved in any other previous offence. It is further pointed out that the applicant was granted interim bail on 20.01.2025 in BAIL APPN. no. 221/2025 (further extended till the next date of hearing *vide* order dated 30.01.2025 in CRL. M. (Bail) no. 241/2025), which is still continuing till today and no complaint has been put forward with regard to any misuse of the interim bail granted to him.

5. *Per contra*, Learned APP for the State submits that the present applicant was identified by PW-1 during the course of the investigation. It is submitted that recovery has been effected from him.

6. Admittedly, PW-1, i.e., the injured eye witness has not identified the applicant before the learned Trial Court. Applicant was arrested on 06.06.2024. Out of 20 witnesses cited by the prosecution, only 1 witness has been examined so far. Also, the applicant has no previous involvement.

7. In totality of the facts and circumstances of the case, 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 two sureties 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 not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
8. The application is allowed and disposed of accordingly.
9. Pending application(s), if any, also stands disposed of.
10. 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.
11. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
12. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

JANUARY 31, 2025/sn [Click here to check corrigendum, if any](#)