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

+ **BAIL APPLN. 3901/2025**

MILAN

.....Petitioner

Through: Mr. Naveen Malhotra, Ms. Neha
Sehrawat and Mr. Deepak Bagrania,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State with
SI Jay Prakas, PS Subzi Mandi.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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13.10.2025

CRL.M.A. 30441/2025 & CRL.M.A. 30442/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

BAIL APPLN. 3901/2025

3. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 406/2025, registered at Police Station Subzi Mandi, Delhi for the commission of offences punishable under Sections 109(1)/115(2)/3(5) of Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. Briefly stated, the present case had been registered on 12.08.2025 on the complaint of one Deepak, resident of Rohtak, Haryana and permanent



resident of District Achham, Nepal. The complainant, who worked with a property dealer in Rohtak, had along with his friends Komal and Beshraj had visited India Gate on 11.08.2025 and later reached the Sabzi Mandi area around 8:00 PM. He disclosed that one year ago, they had visited the house of Khemraj (S/o Bharat Bahadur) in Meat Wali Gali, Kabir Basti, on his birthday, where a quarrel had taken place between Khemraj and one Vikram. He further alleged that on the day of incident, at around 9:30 PM, while the complainant and his friends were buying food and liquor, Khemraj had also come there. Later, the complainant and his friends had started eating food and drinking beer near a park opposite Jhanda Chowk, where Khemraj had arrived along with his friends Vikram, Milan, Sunil, and Purjan. Holding a grudge over a previous dispute, Khemraj had allegedly started quarreling and had threatened to teach them a lesson. Wearing an iron punch, he had attacked Komal with kicks and blows on the chest and waist, rendering him unconscious. When the complainant had intervened, Khemraj had assaulted him as well, while Milan had struck Beshraj on the head with a stick, causing him to lose consciousness. Thereafter, all the accused had jointly beaten the complainant and his friends with fists and kicks.

6. The learned counsel appearing for the applicant argues that the applicant has falsely been implicated in the present case and he has been in judicial custody since 11.08.2025. It is further contended that the applicant has been known to the complainant for a long time and it remains admitted that the alleged incident had arisen out of a sudden quarrel under the influence of alcohol. Moreover, it is argued that there are no specific allegations against the present applicant, and while other co-accused are alleged to have used iron punch etc., the applicant is alleged to have used



only a stick to hit Beshraj. It is thus argued that allegations, even if taken at their face value, only indicate the use of some physical force in the heat of the moment and not with any premeditated intention to cause death or any serious injuries. It is also contended that even the accused persons had sustained injuries in the altercation but no FIR was registered by the police in that regard. Therefore, it is prayed that the applicant be granted regular bail.

7. The learned APP for State, on the other hand, argues that the offence committed by the applicant is serious in nature and the investigation in the present case is still at a nascent stage. It is further argued that the accused persons in the present case are permanent residents of Nepal, who live in rented properties in Delhi, and do not have any permanent address in India; thus, they ought not to be granted bail. Therefore, it is prayed that the present bail application be rejected.

8. This Court has **heard** the arguments addressed on behalf of the applicant as well as the State, and has perused the material on record.

9. Having considered the material on record and the rival submissions, this Court finds that both the complainant/injured persons and the accused were known to each other and had been consuming food and alcohol at the place of incident. The quarrel had apparently taken place on account of a previous altercation between them. The allegations against the present applicant are limited to having hit one of the victims, Beshraj, with a stick during the course of the altercation. No weapon of a deadly nature is alleged to have been used by him.

10. As regards the contention of the learned APP for the State that the applicant should not be granted bail as he does not have any permanent



address in India, this Court finds that no material has been placed on record to show that the applicant is residing in India illegally. The mere fact that he is living in a rented accommodation in Delhi cannot, by itself, be a valid ground for denial of bail, if otherwise a case for bail is made out on merits.

11. It is also material to note that the parties, being known to each other, had expressed their willingness to enter into a compromise and settled their disputes, though the same was declined by the learned Trial Court.

12. Having regard to the overall facts and circumstances of the case, the nature of allegations, and the fact that the applicant has been in judicial custody since 11.08.2025, this Court is of the view that further incarceration of the applicant is not warranted. In these circumstances, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall surrender his passport and not leave the country without prior permission of the concerned Court.
- ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses, or tamper with the evidence in any manner.
- iii) The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
- iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the IO/SHO and the concerned Court.
- v) The applicant shall keep joining and cooperating in the



investigation.

13. Accordingly, the present application stands disposed of.
14. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
15. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 13, 2025/A