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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3940/2025, CRL.M.A. 30717/2025 & CRL.M.A. 30718/2025**
SANJUPetitioner

Through: Mr. Yogesh Sharma, Ms. Pratima Ravi, Mr. Yugant Parihar and Mr. Yogeshwer Singh, Advocates.

versus
THE STATE OF NCT OF DELHI AND ANRRespondents
Through: Mr. Amit Ahlawat, APP for State along with SI Sachin Jaswal, PS Sarai Rohilla.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
17.10.2025

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 798/2024 registered under Section 109(1) of Bharatiya Nyaya Sanhita, 2023³ at P.S. Sarai Rohilla.
2. On 29th December 2024, a PCR call was received regarding a stabbing incident. The responding officer reached the spot and apprehended the Applicant. The injured was taken to hospital, where the MLC recorded stab

¹ "BNSS"

² "Cr.P.C."

³ BNS



injuries. At the scene, an eyewitness, the victim's brother, stated that the Applicant and the victim had been consuming alcohol when a dispute arose over the consumption of food. During the altercation, the Applicant allegedly remarked that he had tolerated the victim's behaviour for long and would "teach him a lesson," after which he picked up a kitchen knife and stabbed the victim on the shoulder. After completion of the investigation, a chargesheet was filed where the Applicant was charge-sheeted under Section 109(1) of the BNS.

3. Counsel for the Applicant submits that the dispute between the Applicant and the victim has since been amicably resolved. It is pointed out that the victim had even furnished a no-objection to a petition for quashing of the FIR filed before this Court, which, however, came to be withdrawn on account of certain technicalities. Nonetheless, the no-objection makes it evident that the victim has accepted the Applicant's apology and does not wish to pursue the matter further. Further, the investigation stands concluded, the chargesheet has been filed, and no purpose would be served by keeping the Applicant in further custody.

4. *Per contra*, Mr. Amit Ahlawat, APP for the State, opposes the bail application, submitting that the Applicant inflicted injuries upon the victim with criminal intent. It is argued that the injuries are grievous in nature and were caused by a sharp-edged weapon, which has been recovered. Accordingly, it is contended that the present case squarely attracts Section 109(1) BNS, and therefore bail ought not to be granted.

5. The Court has considered the aforementioned contentions. The Applicant has been in custody since 30th December, 2024. The investigation is complete and the chargesheet stands filed.



6. The alleged act *prima facie* appears to have been committed in the spur of the moment. The question as to whether the Applicant acted with the criminal intent and knowledge to cause death while causing the alleged injuries is a matter that would have to be determined during the course of trial based on the evidence adduced by both the parties.

7. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴ Having regard to the Applicant's period of incarceration, the completion of investigation, and the overall facts and circumstances, the Court finds it appropriate to allow the present application.

8. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



- d. The Applicant shall appear before the Trial Court as and when directed;
- e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- g. The Applicant shall report to the concerned PS on first Friday of every month;
- 9. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
- 10. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
- 11. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

OCTOBER 17, 2025/MK