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

+ **BAIL APPLN. 4308/2025**

SUNIL KUMAR @ SURJEET

.....Petitioner

Through: Mr. Pankaj Kapoor, Mr. Harish Tanwar , Mr. Vinit Choudhary, Mr. Akash Baisoya and Mr. Ahana Singh Rathore, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State along with Inspector Neeraj. Mr. Vijay Pratap Singh, Mr. Kapil Tanwar and Mr. Shekhar Chauhan, Advs. for the complainant.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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14.11.2025

CRL.M.A. 33372/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant seeks grant of anticipatory bail in FIR bearing No.752/2025, registered at Police Station Sarita Vihar Area, Delhi for the commission of offences punishable under Sections 118(2)/ 126(2)/ 324(4)/ 351(2)/ 351(3)/ 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Issue notice. The learned APP accepts notice on behalf of the State



5. The brief facts of the present case are that on 24.10.2025, at about 12:00 noon, complainant Raghuraj Singh was travelling from MCD School, Aali Village, to the Accounts Department, Delhi Municipal Corporation, Lajpat Nagar, in his car (DL3EV2731). Near Aali Station, Ashok Netaji Market, two persons on a motorcycle intercepted his vehicle. One assailant struck the windshield with a steel rod and, upon removing his helmet, was identified as Mohit @ Poli, S/o Sh. Gyan Chand, accompanied by two unidentified associates. When the complainant stepped out, Mohit struck his right knee with the rod, causing him to fall, and continued assaulting him with the intent to kill. A woman and a rickshaw puller who attempted to intervene were also injured. The assailants fled after stating that they had “finished him.” The complainant lost consciousness and later regained it in the hospital. It is further alleged that Mohit and his brother Surjeet had been encroaching on DDA land and had threatened the complainant a month earlier at the residence of their grandfather, Sh. Chandermal. Upon receipt of DD No. 56A, police reached Apollo Hospital, inspected the spot, seized exhibits, recorded the complainant’s statement, and obtained MLC No. M18042552501757. Based on the statement, injuries, and surrounding circumstances, offences under Sections 118(2)/126(2)/324(4)/351(2)(3)/3(5) BNS were found to be made out.

6. The learned counsel for the applicant argues that the applicant has no previous criminal antecedents. It is further argued that the complainant has been filing multiple complaints against the accused persons before various departments and is unnecessarily implicating all family members due to personal rivalry with his own brother. It is argued that there is no specific allegation against the present applicant on the date of the incident, and the



main accused, Mohit @ Poli, is already in judicial custody. Learned counsel further argued that the applicant undertakes to join the trial and to appear before the Court on all dates. It is also argued that the applicant's brother is already in judicial custody and there is no other person to look after the family. It is further argued that the allegations levelled in the FIR are false and fabricated, and that the applicant had no intention to commit any such act. The applicant is ready and willing to join the investigation and to furnish bail bonds and surety bonds to the satisfaction of this Hon'ble Court.

7. The learned counsel APP for the State argues that the CCTV footage establishes the presence of the applicant at the time of the incident and indicates his involvement in the conspiracy to assault the complainant. It is further argued that the applicant has previous involvement in two criminal matters. The application is vehemently opposed on the ground that the allegations against the applicant are grave in nature.

8. This Court has **heard** the arguments addressed on behalf of the learned counsel of the applicant and learned APP for the state and has perused the material on record.

9. After hearing the submissions advanced on behalf of both parties and upon thoughtful consideration of the material available on record, this Court is of the view that the contention raised by learned counsel for the complainant warrants due consideration. It is asserted that the applicant and co-accused Mohit are habitual land grabbers who have been illegally encroaching upon disputed as well as government land with the assistance of other co-accused persons. It is further noted that, about one month prior to the alleged incident, the complainant was summoned to the residence of one Sh. Chandermal, where the applicant and co-accused Mohit threatened him



and warned that he would be taught a lesson if he continued to oppose their unlawful encroachment. Moreover, upon learning that DDA was planning demolition on 06.10.2025, the applicant allegedly became enraged, conspired to break the complainant's legs and hands.

10. The Court further notes that the incident was the result of a pre-planned conspiracy, wherein the applicant's brother Mohit executed the assault while the applicant coordinated the movements of the complainant to facilitate the attack. The Court also observes that the applicant was present in close proximity to the place of occurrence and actively assisted his brother during the commission of the offence. The CCTV footage placed on record corroborates that the applicant was present at the scene at the time of the assault, thereby reinforcing his complicity in the criminal act.

11. Furthermore, the Court observes that the applicant is the principal conspirator, having played a decisive and instrumental role in the planning, coordination, and facilitation of the assault on the complainant. The record also reflects that the applicant has a documented antecedent history indicative of violent conduct.

12. Considering the overall facts and circumstances of the present case this court is not inclined to grant anticipatory bail to the applicant.

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

NOVEMBER 14, 2025/A/AV