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

+ **BAIL APPLN. 4450/2024**

BALDEV@BITTO

.....Petitioner

Through: Mr. Gaurav Chaudhry, Mr. Rishabh
Malhotra and Mr. Rishabh, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

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

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

25.03.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 482 of the BNSS seeks anticipatory bail in case FIR No. 561/2024, under Sections 109(1)/3(5) of the BNS, registered at P.S. Kalyanpuri.
3. Status report authored by Insp. Mukesh Baliyan has been handed over in Court today and the same is taken on record. The case of the prosecution against the present applicant, as per the said status report, is as under:-

“Most respectfully, it is submitted that present bail petition was filed by the petitioner Baldev @ Bitto in the present FIR No 561/2024, U/s 109(1)/3(5) BNS, PS Kalyan Puri, Delhi. The brief facts of the case are that on 18/10/2024 a PCR Call Vide DD No 17A was received at PS Kalyan Puri, Delhi regarding " 11/44, Kalyan Puri, लेडी का एक लड़का age 21yrs गली के लड़कों ने पेट में चाकू मर दिया लेडी लड़के को लेकर LBS पहुँच गई है " and the same was entrusted to ASI Kailash Chand, on receiving the PCR call the 10 reached along with police staff reached LBS Hospital and received MLC No 6955/2024 of victim/injured Malkeet Singh S/o Gurjeet Singh R/o 11/44, Trilok Puri, Delhi, Age 21



Yrs. on which A/H/O stab injury.

Particulars of injuries are-

1. Incised wound (4*3 cm Approx) over R+ Side ILIAC Region, Right Low ER Abdomen.

The nature of injuries was U/O. The crime team was called on the spot and inspected the scene of crime. Later the injured was referred to GTB Hospital. The statement of injured Malkeet was recorded in which he stated that on 18/10/2024, around 5:30 AM, he along with his father were returning from a local religious gathering when they were complaining about them. Suddenly, Arjun and Bittu restrained Malkeet while Pawan, at their urging, took out a knife and stabbed him in the abdomen with the intent to kill. Subsequently a case FIR No 561/2024, U/s 109(1)/3(5) BNS, PS Kalyan Puri, Delhi was registered at PS Kalyan Puri, Delhi.

During the course of investigation, the accused persons namely Arjun @ Sudani S/o Baldev Singh and Pawan Singh S/o Kalyan Singh were arrested and currently running in Judicial Custody.

The weapon of offence (Knife) has been recovered at the instance of accused Pawan.

Notice U/s 35(3) BNSS was served to the third accused person/petitioner Baldev Singh @ Bittu on 24/10/2024 but he did not join the investigation in between the accused Baldev @ Bittu filed Anticipatory Bail in the Hon'ble session court. The Hon'ble Court of Ms Snigdha Sarwaria, ASJ (FTSC), KKD Court, Delhi directed the petitioner Baldev to join the investigation. The petitioner Baldev joined the investigation and provided a CCTV Footage claiming to be present at his home at the time of incident.

The CCTV footage was analysed and seized in a pen drive which is sent to FSL for further analysis. However, the Hon'ble Court dismissed the anticipatory bail application of the petitioner Baldev.

The DVR of the CCTV camera present at the house of the petitioner Baldev was also seized and sent to FSL for analysis. The petitioner has 07 involvements. The chargesheet in the present case has been filed before the Hon'ble Court and the next date of hearing is 17/04/2025 for charge."

4. Learned counsel appearing on behalf of the applicant submits that the chargesheet in the present FIR has been filed and the same is pending consideration on point of charge before the learned Trial Court. It is further



submitted that the CCTV footage which has been seized and sent to FSL examination shows that the applicant was not present at the spot on the date and time of the incident as alleged by the complainant.

5. Learned APP for the State, on instructions from the Investigating Officer, submits that the chargesheet has been filed and the CCTV footage in which the location of the applicant is shown to be at the residence on the date and time of the incident has been sent to FSL for examination.

6. Learned counsel appearing on behalf of the complainant submits that the latter has been receiving threats from the applicant with regard to the present FIR for which he has filed a complaint at the concerned police station as well as to the concerned DCP.

7. *Vide* order dated 08.01.2025 this Court had granted interim protection to the applicant, on his joining the investigation, by observing as under: -

“4. Learned counsel appearing on behalf of the applicant submits that the CCTV footage, which has been seized by the Investigating Officer, shows the presence of the applicant at the time and date of the incident at his residence.

5. On a pointed query from the Investigating Officer, the same has been verified and it is stated that the hard drive pertaining to the said CCTV footage has been seized and sent to the FSL for examination.”

8. On a pointed query from learned APP for the State with regard to the complaint of threats received by the complainant, it is stated that the matter was enquired into and the complaint could not be substantiated.

9. In totality of the facts and circumstances of the case, the present application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing personal bond of Rs. 15,000/- with one surety of like amount to the satisfaction of the concerned Investigating Officer/Arresting Officer, further subject to following conditions: -



- i. The applicant shall not leave the country 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 shall join the investigation as and when called by the Investigating Officer concerned.
 - v. The applicant will not try to influence the witnesses or threaten the complainant in any manner.
 - vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.
10. The present application is allowed and disposed of accordingly.
 11. Pending applications, if any, also stand disposed of.
 12. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.
 13. Order be uploaded on the website of this court *forthwith*.

MARCH 25, 2025/sn

AMIT SHARMA, J
Click here to check corrigendum, if any