



\$~4

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

+ **BAIL APPLN. 4550/2024**

SHIVAM PATEL

.....Petitioner

Through: Mr.Rohit Kumar Singh , Mr. Shivam
Sharma and Mr. Akash Kumar,
Advocates

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

22.01.2025

%

1. The present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of regular bail in case arising out of FIR bearing no. 302/2021, registered at Police Station Jaitpur (South East), for offences punishable under Sections 307/34 of the Indian Penal Code, 1860 ('IPC').

2. The present FIR was registered on 11.06.2021, on the statement of Mohd. Sarfaraz (complainant), who alleged that earlier there had been an altercation with the applicant/accused, on which he had threatened the complainant. On 10.06.2021, while complainant was proceeding on his motorcycle, he was stopped by the applicant/accused, Ankit Pandit and Rajnish, who were all standing in the gali (lane). The applicant/accused had



removed the keys of his motorcycle and further took out a knife from his pocket. On seeing the knife, the complainant had tried to escape from the spot but was followed by all the three accused persons. The allegations against the present accused are that he, along with other co-accused persons had caused sharp injuries to the complainant by using a knife. The nature of injuries was opined to be 'simple'.

3. The learned counsel appearing for the applicant states that the applicant has been falsely implicated in the present case. The applicant is stated to be in judicial custody since 06.05.2024. The other co-accused persons have already been enlarged on bail.

4. On the other hand, the learned APP for the State has opposed the bail application. He states that the applicant/accused in the present case was not arrested by the Police during investigation, however, he could be arrested only on 06.05.2024.

5. This Court has heard arguments advanced by the learned counsels of both the parties and has also gone through the record.

6. This Court notes that admittedly the injured in this case was discharged from the hospital on the same day. The co-accused persons have already been granted bail. The applicant is in judicial custody for last more than nine months.

7. Considering the overall facts and circumstances of the case, the period of custody undergone by the applicant, this Court is inclined to grant regular bail to applicant/accused on the applicant/accused furnishing a personal bond in the sum of Rs. 10,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms & conditions:



- i) The applicant/accused shall not leave the country without prior permission of the concerned Court.
 - ii) In case of change of residential address/contract details and phone number, the applicant/accused shall promptly inform the same to the concerned Trial Court.
 - iii) The applicant/accused will not absent himself before the learned Trial Court;
 - iv) In case of any emergency, the applicant will ensure that he will move appropriate application before the learned Trial Court in case he cannot appear.
8. Accordingly, the present bail application stands disposed of.
 9. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
 10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 22, 2025/A

Click here to check corrigendum, if any