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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4687/2024 & CRL.M.A. 38348/2024

GYANSHU RANJAN

.....Petitioner

Through: Mr. Omkar Sharma, Advocate
through VC.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for
State.

Insp. Bhupesh Kumar, SHO PS
Mandawali, Delhi & PSI Aman.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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09.01.2025

CRL.M.A. 38347/2024 (Exemption)

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

BAIL APPLN. 4687/2024

3. The present Bail Petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner seeking Regular Bail in case FIR No. 313/2024 under Sections 307/411/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) registered at Police Station Mandawali, Delhi.
4. It is submitted that the Petitioner is a young boy and the contents of weapon do not make up offence under Section 307 of IPC, 1860 against the Petitioner. As per the FIR, the injured-Babul Kumar was having a friendly relationship with the Petitioner and the other co-accused persons. They were all having liquor at the house of the Petitioner and a sudden quarrel took place *inter se* them and the accused persons inflicted injuries on the



Complainant/Babul Kumar.

5. It is further submitted that as per the FIR as well, all the accused persons were in a drunken condition and none had the intention or knowledge about the commission of the alleged offence.

6. It is also submitted that the real facts are that the injured-Babul Kumar had forcefully trespassed into the house of the Petitioner and caused injuries to him. The Complainant/Babul Kumar, in order to hide his misdeeds, himself inflicted a stab injury on his chest. The Petitioner had made a call to the Police Station for registration of FIR, but the same was not registered; instead he was arrested.

7. It is asserted that the co-accused, Rishabh @ Pranav Raj has already been granted Anticipatory Bail *vide* Order dated 07.09.2024 by the learned Additional Sessions Judge.

8. It is also asserted that the transcript of mobile phone had been filed by the co-accused, Rishabh @ Pranav Raj in his Anticipatory Bail Application, wherein the Complainant/Babul Kumar had admitted that Rishabh @ Pranav Raj had not committed any offence and made a statement about the active role of the Petitioner which creates a doubt about the entire story. Moreover, the injury had not been inflicted on the vital part and did not endanger the life of the Complainant/Babul Kumar. The Complainant/Babul Kumar was discharged from the Hospital on the same day. Also, there is no recovery of alleged weapon from the Petitioner. Rather, what has been recovered from the Petitioner is a vegetable knife which is a planted weapon.

9. It is submitted that the Petitioner is a student of BBA 2nd year and has come from Bihar to Delhi for his studies. His father is a poor farmer and he



belongs to a poor family.

10. It is further submitted that the investigations are complete and the Chargesheet stands filed. Therefore, the Petitioner is no more required for the purpose of further investigations.

11. The first Bail Application of the Petitioner was dismissed by the learned Additional Sessions Judge on 14.06.2024, the second Bail Application was dismissed on 17.08.2024 and the third Bail Application was dismissed as withdrawn on 03.10.2024.

12. It is submitted that the Petitioner is a young boy and there are no chances of his absconding or tampering with the prosecution evidence. He is not a previous convict and undertakes to abide by all the terms and conditions that may be imposed by this while granting the bail.

13. Therefore, the prayer is made that the Petitioner may be granted Regular Bail.

14. **Issue notice.**

15. Ms. Meenakshi Dahiya, learned Additional Public Prosecutor along with Investigating Officer appears on advance notice, accepts notice on behalf of the State.

16. ***It is argued on behalf of the State*** that the role of Rishabh @ Pranav Raj was different. Though as per the Complainant/Babul Kumar, Rishabh @ Pranav Raj and the other co-accused persons had held the Complainant/Babul Kumar, while the stab injury was caused by the Petitioner. Thereafter, they all had taken the injured Babul Kumar on the road and had continued giving beatings to him, but the testimony of the public witness/landlord who stated that he saw that the Petitioner along with accused Avinash was beating another boy in the street and thereafter, both of



them fled from the spot. Thereafter, he made a PCR Call and got the injured, Babul Kumar admitted in the Hospital.

17. Moreover, there was some conversation wherein the Complainant/Babul Kumar had stated against the involvement of co-accused Rishabh @ Pranav Raj in the crime. Considering the evidence against Rishabh @ Pranav Raj, the Anticipatory Bail was granted to him *vide* Order dated 07.09.2024 passed by the learned Additional Sessions Judge.

18. However, the allegations against the Petitioner are specific. It is he who had inflicted the stab injury on the Complainant/Babul Kumar and thereafter, he also continued to give beatings to him along with other co-accused persons. There is a recovery of knife/weapon of offence from the Petitioner.

19. Furthermore, the injury inflicted on the Complainant/Babul Kumar was on the chest which punctured his lung. The averment made on behalf of the Petitioner that the injury was not inflicted on a vital part, is not borne out from the MLC which states otherwise.

20. **Submissions heard.**

21. Considering the gravity of the allegations and the nature of injury inflicted by the Petitioner with a vegetable knife on the Complainant/Babul Kumar on his chest which punctured his lung, the present case is not considered a fit case for grant of bail.

22. Accordingly, in view of the aforesaid, the present Bail Petition is dismissed along with pending Application.

NEENA BANSAL KRISHNA, J

JANUARY 9, 2025/S.Sharma