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

+ **BAIL APPLN. 4700/2024**

AARAV @ BABLU BALLU

.....Petitioner

Through: Mr. Nazim, Mr. Mussaiyal and Mr.
Aman Akhtar, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the
State.
SI Dinesh Kumar, PS: Nand Nagri.
Mr. Adeeb Kamal, Advocate for the
Victim.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.04.2025

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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. 585/2023 registered under Sections 307 and 34 of the Indian Penal Code, 1860³ at P.S. Nand Nagri.

2. The prosecution's version, as borne out from the record, is briefly encapsulated as follows:

2.1. On 13th September, 2023, a PCR call vide DD No. 10A was received

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



at P.S. Nand Nagri regarding a quarrel at Durga Mandir Sewa Samiti, Tahirpur. Upon reaching the crime scene, the Investigating Officer⁴ was informed that the injured individual had already been shifted to GTB Hospital by a PCR van. The IO proceeded to the hospital and obtained MLC No. B/5692/59/23 relating to the victim, Yusuf. The MLC recorded that the victim had sustained grievous injuries of an incisional wound with gastric content (Bowel) seen outside (4x2 cm), left side lower abdomen laceration (1x1 cm), laceration (0.5x0.5 cm) on the left elbow, and laceration (3x1 cm) on the left shoulder.

2.2. The victim in his statement alleged that on 13th September, 2023, at around 2:30 AM, he had gone to the kiosk of one Rahul, where he found the Petitioner (Bablu) and co-accused Farukh abusing one Kamal. Upon questioning their conduct, the assailants allegedly turned on the Complainant. Farukh is said to have restrained the victim, while the Petitioner pulled out a knife and inflicted multiple blows, striking the victim's neck, shoulder, and abdomen, causing serious injuries.

2.3. Based on the statement and MLC, FIR No. 585/23, was registered was registered at P.S. Nand Nagri, New Delhi under Sections 307 and 34 IPC.

2.4. The Petitioner was arrested on the same day. During interrogation, he allegedly led the police to the recovery of the weapon of offence, a knife, which was seized.

2.5. The exhibits were sent to FSL for expert opinion. A chargesheet was filed in due course. In the interim, co-accused Farukh absconded and was subsequently declared a proclaimed offender.

2.6. Thereafter, on 3rd January, 2025, a supplementary chargesheet was

⁴ 'IO'.



filed on receipt of the FSL report from FSL Rohini. The DNA analysis confirmed that the male DNA profile generated from the blood gauze of Yusuf matched the DNA profiles found on both the T-shirt of the victim and the recovered knife, thereby materially linking the weapon to the assault.

2.7. The Petitioner had earlier moved four separate applications for regular bail before the Sessions Court, all of which were dismissed on 06th January, 2024, 16th March, 2024, 29th May, 2024 and 03rd December, 2024, respectively.

3. Counsel for Petitioner urges following grounds for seeking bail:

3.1. The Petitioner submits that he has been falsely implicated in the present case. The statements of the victim are riddled with material inconsistencies which cast serious doubt on the veracity of the allegations. These contradictions, it is argued, point to embellishment and undermine the credibility of the narrative of the prosecution.

3.2. With respect to the evidentiary foundation of the case, it is pointed out that while the prosecution alleges that no CCTV footage from the scene could be retrieved, CCTV footage is in fact available, which depicts three individuals standing outside the relevant shop. However, only one of those individuals could be positively identified by the witnesses. This discrepancy, it is urged, further weakens the prosecution's case.

3.3. Furthermore, both the complainant and the eyewitnesses have admitted during their statements that CCTV cameras were installed at the site of the alleged incident. Despite this, the investigating agency made no serious attempt to secure or produce the footage as part of the evidence, which could have provided conclusive clarity. The absence of such critical evidence, the Petitioner argues, raises concerns regarding the fairness and



thoroughness of the investigation.

3.4. The Prosecution has already recorded the statements of the material witnesses, and therefore, the continued incarceration of the Petitioner is no longer necessary.

3.5. The nature of the injuries allegedly suffered by the victim is not sufficient to attract the offence under Section 307 of the IPC. In fact, the victim was discharged from the hospital merely seven days after admission, which indicates that the injuries were not so grievous as to attract Section 307 of the IPC.

3.6. The Petitioner has already undergone custody for nearly twenty months. The trial is likely to take time to conclude, and no substantial purpose would be served by prolonging his pre-trial detention.

3.7. The Petitioner has no criminal antecedents, and he undertakes to abide by the conditions of the Court, if bail were to be granted.

4. Mr. Mukesh Kumar, Additional Public Prosecutor for the State, opposes the application and submits that the case against the Petitioner rests on strong and credible material. He points out that the victim has unequivocally identified the Petitioner during the course of investigation, and his statement is corroborated by scientific evidence. The forensic report confirms that the DNA profile recovered from the weapon of offence matches that of the victim, thereby lending further weight to the prosecution's version. The weapon, a knife, was also recovered at the instance of the Petitioner during custodial interrogation, which reinforces the chain of circumstantial and testimonial evidence linking him to the assault.

5. Mr. Kumar further contends that the injuries sustained by the victim are not superficial but grave in nature. The medical records document



multiple stab wounds, including one on the neck and another on the abdomen, regions of the body that are highly vulnerable and suggest a deliberate attempt to cause fatal harm. The number, location, and depth of the injuries, it is submitted, are indicative of a clear intention to kill, thereby attracting the rigours of Section 307 of the IPC. In light of the severity of the offence and the *prima facie* material available, it is argued that the Petitioner does not deserve the discretionary relief of bail.

6. The Court has considered the submissions advanced on behalf of both parties and perused the material on record. The Petitioner is facing prosecution under Section 307 IPC for a knife assault that, as per the victim's statement and the MLC, resulted in multiple stab wounds, including injuries to the neck and abdomen. The nature, location, and number of injuries, particularly the incisional wound exposing gastric content; cannot be brushed aside as superficial or accidental. On the contrary, they *prima facie* reflect an intent to cause fatal harm, which squarely attracts the offence of attempt to murder.

7. In the considered view of the Court, it is not the stage for a detailed evaluation of evidence or for conducting a mini-trial. Nonetheless, for the limited purpose of a *prima facie* assessment, the statements of the victim and other eyewitnesses, as recorded appear consistent and cogent. Their depositions lend clear support to the Prosecution's version. This is not a case where the material on record is so inherently tenuous or doubtful as to justify the grant of bail at this stage. On the contrary, the evidence presently available points to a *prima facie* case against the Petitioner. The victim has clearly named the Petitioner in his statement. The credibility of this version is fortified not only by ocular evidence but by scientific material as well.



The FSL report confirms the presence of the victim's DNA on the knife recovered at the instance of the Petitioner and on the T-shirt, he was wearing, effectively completing the evidentiary chain at this stage. The recovery of the weapon pursuant to custodial disclosure is yet another incriminating circumstance.

8. The contention regarding delay in trial, although noted, is not sufficient to warrant the grant of bail in the present case. The delay appears to be attributable to routine progression of trial and not to any deliberate or negligent act on the part of the Prosecution. Moreover, the victim resides in the same locality as the Petitioner. The possibility of the Petitioner influencing or intimidating witnesses, several of whom are yet to be examined, remains a serious concern that cannot be ignored at this stage.

9. In view of the foregoing, this Court finds no reason to depart from the decisions of the Sessions Court rejecting the bail plea on earlier occasions. The charges against the Petitioner are grave, the evidence on record is substantial, and the apprehension of interference with the trial is real and credible. Consequently, the Court is not inclined to grant regular bail to the Petitioner.

10. In such circumstances, the Court is not inclined to release the Petitioner on bail.

11. Dismissed.

SANJEEV NARULA, J

APRIL 28, 2025
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