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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4732/2024**

LUVKUSH ALIAS GOLUPetitioner

Through: Mr. Mukesh Kumar, Adv.

versus

STATE OF NCT OF DELHI & ORS.Respondent

Through: Ms. Priyanka Dalal, APP
SI Subah Singh, PS Karawal Nagar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

07.03.2025

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CRL.M.(BAIL) 2191/2024

1. This is a petition seeking a grant of anticipatory bail in FIR No. 0347/2024 dated 17.10.2024 registered at PS Karawal Nagar, North East District, Delhi 110094 under Sections 333, 115(2) and 3(5) of BNS.
2. The brief facts of the case as per the said FIR are that on 14.10.2024, the petitioner alongwith his friends entered the office of the complainant and hit him with a bottle on his head. Thereafter, they fled from the place of the alleged incident.
3. On 17.10.2024, the present FIR was registered by the complainant.
4. *Vide* the order dated 13.01.2025 passed by this Court, the petitioner was granted the interim protection in the present case.
5. Mr. Kumar, learned counsel appearing on behalf of the petitioner, states that pursuant to the said order, the petitioner has joined the investigation.
6. In the present case, the nature of injuries suffered by the complainant is



opined to be simple in nature.

7. The petitioner has no other criminal antecedents and this is the only case registered against the petitioner.
8. Additionally, the petitioner has old aged parents, a wife and a minor child and is the sole bread earner of his family.
9. Ms. Dalal, learned APP appearing on behalf of the respondent, states that the petitioner is not cooperating in the investigation as he is not disclosing the name of the co-accused persons and the weapon of the alleged offence (bottle) is yet to be recovered.
10. It is a settled proposition of law that Article 20(3) of the Constitution of India embodies the principle of protection against compulsion of self-incrimination. The accused is only required to answer as per his personal knowledge and he cannot be compelled to give answers as per the wishes of the prosecution. The Hon'ble Supreme Court, while deciding upon an anticipatory bail, in the case of ***Bijender v. State of Haryana, SLP(Crl.)No.1079/2024, order dated 06.03.2024***, observed as under:-

“An accused, while joining investigation as a condition for remaining enlarged on bail, is not expected to make self-incriminating statements under the threat that the State shall seek withdrawal of such interim protection.”

11. It is further stated by the petitioner that he has been falsely implicated in the present case by Mr. Anil, his neighbour who is also the landlord of the complainant. It is stated that Anil was in contact with the IO even prior to the incident. The call details of Anil and IO are annexed with the petition.



12. It is also pertinent to note that there is a delay in the investigation as the IO himself sought time before the learned Session Judge for submitting the medical opinion from the concerned doctor *qua* the injury sustained by the complainant and was granted time to file the same. However, the IO failed to do so as the complainant refused to join the investigation citing that he is unwell.
13. Keeping in view the aforesaid facts of the present case, the petition is allowed. It is directed that in the event of arrest, the petitioner be released on bail subject to his furnishing a personal bond with one surety in the sum of Rs. 10,000/- each to the satisfaction of the concerned Investigating Officer (IO) and also subject to the following terms and conditions:-
 - i. At the time of furnishing bail bond, the petitioner shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial;
 - ii. The petitioner shall inform the concerned IO about his current residential address;
 - iii. In case of change of residential addresses/contact details, the petitioner shall promptly inform the concerned IO/SHO;
 - iv. The petitioner shall join the investigation as and when asked;
 - v. The petitioner shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence;
 - vi. The petitioner shall regularly appear before the trial Court.
14. Nothing observed hereinabove shall amount to an expression of opinion on the merits of the case.



15. The petition is disposed of in the aforesaid terms.
16. Status report handed over in Court today is taken on record.

JASMEET SINGH, J

MARCH 7, 2025/sp

[Click here to check corrigendum, if any](#)