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

+ **BAIL APPLN. 4737/2024**

SHIVAM RATHORE

.....Petitioner

Through: Mr. Mohd. Sartaj and Mohd. Tariq,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Utkrash, APP for the State

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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20.02.2025

1. The present petition has been filed seeking regular bail in connection with FIR No. 796/2023 under Sections 307/435/324/34 IPC registered at Police Station New Ashok Nagar, Delhi.
2. The case of the prosecution is that the FIR was registered on the complaint of Pawan Parcha who stated that he along with his two friends, namely Manish and Parvesh was bursting crackers near the house of accused Pawan S/o Japal while going to their home. After listening to the noise of the crackers, accused Pawan came out from his house and started abusing and quarrelling with them. Accused Pawan had then taken out his sharp cutter from his pocket and stabbed Manish with intention to kill Manish and Manish got injured. In the meanwhile, complainant Pawan intervened to pacify accused Pawan but accused person also stabbed the complainant with intention to kill him. After that complainant and his friend Manish ran away



from the spot and reached LBS Hospital for their treatment and found their friend Pravesh was under treatment in the emergency ward of LBS Hospital and is in serious condition.

3. Learned counsel appearing on behalf of the petitioner submits that in the FIR the name of the petitioner was not mentioned. He submits that the incident is of 12.11.2023 whereas the FIR came to be registered on 13.11.2023 and it is only after the registration of the FIR that the name of the present petitioner had surfaced and that too on the disclosure statement of victim Parvesh which was recorded on 14.11.2023.

4. He submits that the three MLCs of the injured persons shows that two of the injured persons had suffered simple injuries whereas there is no opinion given with regard to the injuries suffered by the third injured person. It is further contention of the learned counsel for the petitioner that petitioner is in custody since 14.11.2023 and his custody is no more required for investigation.

5. He submits that the status report shows the involvement of the petitioner in two more cases and both the said cases are under Sections 356/379/411/34 IPC. He submits that in so far as the case registered *vide* FIR No. 0130/2023 is concerned, the same already stands compounded whereas in the other case registered *vide* FIR No. 0114/2023, the petitioner was never arrested. He, therefore, urges that the petitioner be released on bail.

6. Per contra, learned APP appearing for the State argued on the lines of the status report.

7. I have heard the learned counsel appearing for the petitioner as well as learned APP for the State and have perused the record.



8. A perusal of the FIR shows that the petitioner has not been named therein. Concededly, his name surfaced for the first time in the statement of the victim which was recorded after two days of the incident i.e. 14.11.2023.

9. The petitioner is in custody since 14.11.2023 and the chargesheet has already been filed, therefore the custody of the petitioner is no more required.

10. A perusal of the MLCs of the injured which are on record shows that two of the injured had suffered only simple injuries whereas no opinion has been given with regard to injuries suffered by third injured.

11. In so far as the two cases stated to have been registered against the present petitioner are concerned, the submission of learned counsel for the petitioner is that one of the case has already been compounded and in the second the petitioner has not been arrested. There is nothing on record to contradict this position. Even otherwise, involvement in other cases cannot be the sole ground for rejection of bail.

12. In so far as petitioner's availability during the trial is concerned, appropriate conditions can be imposed while granting bail to him.

13. In view of the above, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted to regular bail subject to his furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.



b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.

c) Petitioner/applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses or any family members of the witnesses.

14. It is clarified nothing mentioned above shall be construed as expression of opinion on the merits of the case.

15. The application is disposed of.

16. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

17. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

FEBRUARY 20, 2025

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