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

+ **BAIL APPLN. 3/2025**

ARBAZ

.....Petitioner

Through: Mr. Waiz Islam, Advocate.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Deependra, P.S. Jyoti Nagar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

17.02.2025

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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. 463/2023, registered at Police Station Jyoti Nagar, Delhi, for the offences punishable under Sections 307/34 of the Indian Penal Code, 1860 (hereafter 'IPC').

2. Briefly stated, the facts of the case are that on 17.07.2023, a call was received at PS Jyoti Nagar, Delhi, regarding an alleged incident of physical assault. When the police officials had reached the spot, they had found that the victim/complainant had already been taken to GTB Hospital, Delhi. Upon reaching the hospital, the police had found the complainant severely injured, and his medical examination (MLC) was conducted. Two eyewitnesses, Taufiq and Sahil, who are friends of the victim, were also



present at the hospital. Later, the police officials, along with the eyewitnesses, had visited the crime scene. However, from the spot, no evidence could be lifted due to rainfall. Thereafter, the statement of the complainant was recorded under Section 161 of the Code of Criminal Procedure, 1973 (hereafter 'Cr.P.C.'), wherein he stated that he and his friends were present at the spot when the accused and his friends had arrived. Upon seeing the complainant, the accused had taken him to a street and had attacked him by stabbing him multiple times on the head with a knife. The accused's friends had also joined him and begun attacking the complainant by throwing bricks at him. Based on this statement, the present FIR came to be registered.

3. The learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. It is argued that the applicant has been in judicial custody for more than 18 months and, considering the fact that the trial is likely to take a long time to conclude, his liberty cannot be curtailed indefinitely. Accordingly, the applicant prays that he be granted bail.

4. *Per contra*, the learned APP appearing for the State, vehemently opposes the bail application, and contends that the applicant is the main accused in the present case. It is further submitted that the MLC of the victim, which is on record, clearly indicates that he was physically assaulted. The learned APP also relies on the statements of the eyewitnesses recorded under Section 161 of the Cr.PC., which corroborate the complainant's version of the events. Therefore, it is prayed that the present bail application be dismissed.

5. This Court has heard arguments addressed on behalf of both the



parties and has perused the case file.

6. Upon consideration of the material available on record, this Court notes that the MLC of the victim clearly reveals that he has suffered multiple stab injuries on his head, including the occipital and temporal regions.

7. This Court also takes note of the statements of the eyewitnesses recorded under Section 161 of the Cr.P.C., which corroborate the complainant's statement and support the prosecution's version that the applicant herein had stabbed the complainant multiple times with a knife.

8. Although it has been argued that the applicant has been in judicial custody for over 18 months and that continued incarceration would curtail his liberty, this Court at the same time cannot ignore the gravity of the offence and a *prima facie* case which exists against the applicant who is allegedly the main accused in the case. This Court is also conscious of the fact that the complainant herein was a 16-year-old boy, who had sustained multiple injuries. Material witnesses in this case are yet to be examined before the learned Trial Court. Therefore, at this stage, no ground for grant of regular bail is made out.

9. The present bail application is dismissed.

10. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

11. The order be uploaded on the website forthwith.

FEBRUARY 17, 2025/AC

SWARANA KANTA SHARMA, J

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