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

+ **BAIL APPLN. 1149/2024**

AMIT KUMAR

.....Petitioner

Through: **Mr. Kishan Singh Chauhan,**
Advocate.

versus

THE STATE(NCT OF DELHI)

.....Respondent

Through: **Ms. Priyanka Dalal, APP for State.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.01.2026**

1. By way of this bail application, the applicant seeks anticipatory bail in connection with FIR No. 86/2024 dated 09.03.2024 registered at Police Station Kalindi Kunj, District South East, Delhi, under Sections 307/34 of the Indian Penal Code, 1860 ["IPC"].

2. By an order of this Court dated 03.04.2024, interim protection was granted to the applicant, subject to his joining the investigation. The applicant has since joined the investigation.

3. The prosecution has filed two status reports, one dated 14.05.2024 and second dated 26.03.2025.

4. In the first status report, the facts related to the incident are narrated as follows:

- a. An information was received on 09.03.2024 by way of Police Control Room ["PCR"] call with regard to an incident of stabbing. Upon arrival at the spot, the police found one Irfan had been



injured and he was shifted to the Trauma Centre of the All India Institute of Medical Sciences. His Medico-Legal Case [“MLC”] showed stab wounds on the chest and thighs. The victim was 35 years old on the date of occurrence.

- b. The injured victim, in his statement under Section 161 of the Code of Criminal Procedure, 1973, stated that the present applicant had called him to JJ Colony, Madanpur Khadar, to resolve an earlier dispute between the friends and associates of the two parties. When the victim reached the spot, he was stabbed by two co-accused, being Vicky @ Akshay and Gaurav @ Gumma. It was stated that the applicant-Amit Kumar had taken the mobile phone of the victim when he tried to make the PCR call, and that the applicant and co-accused Sonu @ Deepak ran away from the spot.
 - c. The allegation of stabbing the victim was against Vicky @ Akshay and Gaurav @ Gumma.
 - d. The CCTV footage also established that these two individuals were stabbing the victim while the applicant was also seen there.
 - e. Gaurav @ Gumma and Vicky @ Akshay have been arrested and blood-stained knives have been recovered at their instance.
 - f. The applicant joined the investigation upon being granted interim protection by this Court, but it is alleged that he is not cooperating with the investigation.
 - g. The nature of injuries suffered by the victim are stated in the MLC as simple and sharp.
5. In the second status report also, the prosecution has reiterated that the victim was being assaulted by two co-accused, and the applicant was



seen running in the CCTV footage. Call Detail Records also corroborate his presence at the scene of the crime.

6. Forensic Science Laboratory [“FSL”] report in respect of the blood-stained knives was awaited at the time of filing of the status report, but Ms. Priyanka Dalal, learned Additional Public Prosecutor, states that FSL report has since been received.

7. Ms. Dalal also submits that a chargesheet has been filed against the two co-accused Gaurav @ Gumma and Vicky @ Akshay, but the chargesheet has not been filed in respect of the present applicant, due to pendency of this application.

8. Mr. Kishan Singh Chauhan, learned counsel for the applicant, submits that the applicant has joined the investigation and is cooperating with the investigation. He submits that there is no allegation of the applicant’s active involvement in stabbing of the victim, but only of his presence at the spot.

9. Ms. Dalal, on the other hand, submits that the applicant is the person who is alleged to have called the victim to the scene of occurrence, and is also alleged to have stolen the mobile phone of the victim, which is yet to be recovered.

10. Having heard learned counsel for the parties, I am of the view that this is a fit case for granting anticipatory bail to the present applicant. The status reports filed by the prosecution allege that the applicant had called the victim to the spot and was present at the spot, but he was not the person seen in the footage to be stabbing the victim. The CCTV footage and other materials have already been placed before the Sessions Court with the chargesheet. Investigation is also complete and the chargesheet



against the main accused has been filed.

11. The allegation that the applicant is not cooperating in the investigation is premised on the fact that the mobile phone of the victim has not been recovered from him. However, the applicant denies having taken the mobile phone. Anticipatory bail cannot be declined merely because the accused has not made incriminatory statements. Reference in this regard may be made to the orders of the Supreme Court in *Bijender v. State of Haryana*, [CrI.A. No. 1408/2024, decided on 06.03.2024] and *Jugraj Singh v. State of Punjab*, [CrI.A. 3640/2025, decided on 20.08.2025, paragraph 7].

12. There is also no allegation that the applicant has any other criminal antecedents.

13. For the aforesaid reasons, the application is allowed. It is directed that in the event of arrest, the applicant will be released on bail, subject to furnishing of bail bonds in the sum of Rs. 20,000/-, with one surety in the like amount to the satisfaction of the Investigating Officer [“IO”], and subject to the following conditions:

- a. The applicant shall surrender his passport, if any, to the IO and shall not leave the National Capital Territory of Delhi without prior permission of the Court concerned;
- b. The applicant shall cooperate in the investigation and appear before the IO of the case as and when required;
- c. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;



- d. The applicant shall provide his mobile number(s) to the IO and keep it operational at all times;
- e. In case of change of residential address and/or mobile number, the same shall be intimated to the IO, by way of an affidavit.

14. The bail application stands disposed of with these directions.

15. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

PRATEEK JALAN, J

JANUARY 22, 2026

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