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

+ **BAIL APPLN. 1749/2026**

AMIT

.....Petitioner

Through: Mr. Krishan Kumar, Mr. Akshay Bhardwaj, Mr. Shivam Bedi, Mr. Anubhav Kumar, Mr. Aman Bhati, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **06.05.2026**

CRL.M.A. 14155/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 03/2024, registered at Police Station New Usmanpur, Delhi, for the commission of offences punishable under Sections 307/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
4. Briefly stated, the facts of the present case are that on the night of 31.12.2023 at about 11:00 PM, the complainant Himanshu, along with his friend Prem, visited his brother Sagar's hotel for a New Year gathering.



While they were standing outside the hotel, a group of boys approached and started abusing them. Upon objection, the said persons assaulted the complainant and his friend. During the incident, two assailants, later identified as Rahul Pal and Amit (the present applicant), inflicted multiple knife blows, while others attacked with stones. The assailants, allegedly with an intention to kill, fled the spot leaving behind two motorcycles. A PCR call was made by the complainant's brother, and the injured were taken to JPC Hospital and subsequently referred to a higher medical center. Initially, due to pain, the injured could not give their statements. Upon receipt of DD No. 11A dated 01.01.2024, police officials reached the spot, seized the motorcycles found abandoned there, and collected the MLCs of the injured persons, which indicated physical assault by unknown persons. Subsequently, the statement of the complainant was recorded, wherein he identified co-accused Rahul Pal and the applicant as the main assailants. Based on the statement, MLCs, and surrounding circumstances, the present FIR under Sections 307/34 of IPC was registered.

5. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case. It is stated that the applicant is a young boy with no prior criminal antecedents, who has already been in judicial custody for more than two and a half years. It is also stated that the testimony of PW-5 and PW-2, who are the victims in the case, has been partly recorded; however, further examination-in-chief was deferred for want of FSL, and the trial is likely to take considerable time to conclude. Thus, it is prayed that the applicant be released on regular bail.

6. On the other hand, the learned APP for the State strongly opposes the present bail application and submits that the allegations against the applicant



are serious in nature. It is alleged that the applicant, along with the co-accused persons, had caused grievous injuries to the victims Himanshu and Prem, by using knives and stones. It is further argued that the testimonies of Himanshu and Prem have only been partly recorded and that, in the event the applicant is released on bail, there exists an apprehension that the witnesses may be influenced. It is thus prayed that the present bail application be dismissed.

7. This Court has **heard** arguments addressed on behalf of the learned counsel for the applicant and the learned APP for the State, and has perused the case file.

8. In the present case, this Court notes that the FIR was registered in 2024 and that the applicant has remained in judicial custody for about two and a half years.

9. This Court notes that the matter is presently at the stage of prosecution evidence. The testimonies of PW-2 and PW-5, who are the victims in the present case, have been partly recorded; however, their further examination-in-chief has been deferred due to the non-availability of the FSL report. The delay in recording the evidence indicates that the trial is likely to take considerable time to conclude.

10. It is further noted that the FSL report has not yet been filed. The accused cannot be kept in judicial custody indefinitely solely on the ground that the examination of the victims remains incomplete.

11. Considering the overall facts and circumstances of the present case, including the period of custody already undergone by the applicant, and the fact that the trial is likely to take considerable time to conclude, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond



in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if he has passport, he shall surrender the same to the concerned trial court.
 - ii) The applicant shall share his contact details (mobile numbers and residential address) with the IO/SHO and the Trial Court; and in case of any change in the said details, the applicant shall promptly inform the same to the concerned Court and the concerned IO/SHO.
 - iii) The applicant shall appear before the Trial Court on every date of hearing unless exempted;
 - iv) The applicant shall not indulge in any criminal activity;
 - v) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
12. Accordingly, the bail application is allowed and disposed of.
13. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 06, 2026/vc
AP