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

+ **BAIL APPLN. 4668/2025**

GOURAV @ GOLU

.....Petitioner

Through: Mr. Pavitra Veer Singh, Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with Mr. Rohan Mittal and Mr. Rohan
Bhati, Adv. along with Inspector
Sanjai Kumar.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

30.04.2026

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 390/2024, registered at Police Station Budh Vihar, Delhi, for the commission of offences punishable under Section 108(1)/126(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').

2. Briefly stated, the case of the prosecution is that on 01.11.2024 at about 20:43 hours, a PCR call was received at Police Station Budh Vihar regarding a stabbing incident at Sharma Colony, Budh Vihar, New Delhi, and that the injured had been taken to BSA Hospital. The Investigating Officer had immediately reached the hospital, where the injured, Rahul @ Haddi, was found admitted. His statement was recorded, wherein he stated that on the night of 31.10.2024, he had an altercation with Ombir at Budh



Bazaar Road, Sharma Colony, but both had returned to their homes thereafter. It is further the case of the prosecution that on 01.11.2024 at about 08:30 PM, when the injured reached near the office of Balaji Property Dealer, Sharma Colony, Budh Vihar Phase-II, Ombir, along with two associates, had intercepted him and started assaulting him with fists and blows. During the said incident, Ombir and his associates had allegedly stabbed him 2–3 times on the back side of his right thigh with a sharp-edged weapon. Due to the injuries sustained, the injured had fainted at the spot and was subsequently taken to BSA Hospital, Rohini, by an unknown person. On the basis of the said statement, the present FIR was registered and investigation was taken up. During the course of investigation, CCTV footage from near the place of incident had been obtained, wherein the present applicant/accused was seen along with other co-accused persons, allegedly participating in the incident. Thereafter, all the accused persons were arrested.

3. The learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the present case and has been in judicial custody since 02.11.2024. It is argued that the four prosecution witnesses have already turned hostile during the course of their examination before the learned Trial Court and case of the prosecution now rests on weak and contradictory evidence. It is thus prayed that the applicant be enlarged on regular bail.

4. The learned APP for the State, on the other hand, argues that the allegations against the applicant are serious in nature. It is further submitted that one eye witness remains to be examined and apart from the statements of the witnesses, the dying declaration of the deceased was recorded,



wherein he clearly levelled allegations against the present accused. It is accordingly prayed that the present bail application be dismissed.

5. This Court has **heard** arguments addressed by the learned counsel appearing for the applicant as well as the learned APP for the State, and has gone through the material available on record.

6. After hearing arguments and perusing the case file, this Court is of the opinion that four material witnesses have turned hostile before the learned Trial Court and have not supported the prosecution case on any aspect. This Court notes that the applicant has no previous criminal antecedents. The applicant herein has remained in judicial custody for about one and a half year. This Court also notes that the conclusion of trial is likely to take considerable time.

7. Considering the overall facts and circumstances of the case, this Court is inclined to grant regular bail to the applicant on his furnishing a personal bond in the sum of ₹20,000/- with one surety of the like amount, subject to the satisfaction of the learned 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 the applicant has a passport, he shall surrender the same to the concerned trial court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
- iv) 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.

8. Accordingly, the present bail application stands allowed and is disposed of.

9. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

10. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 30, 2026/A/TD