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

+ **BAIL APPLN. 4866/2025**

AJAY GUPTA

.....Petitioner

Through: Mr. Bharat Dubey, Ms. Shubhlaxmi Dubey, Ms. Sonia Dubey, Ms. Divyasha Dubey and Ms. Taniya Kapoor, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State with SI Vibhu Sharma, P.S. Subzi Mandi

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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05.02.2026

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing No. 648/2024, registered at Police Station Subzi Mandi, Delhi for the commission of offence punishable under Sections 109(1)/115(3)/126(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').

2. Briefly stated, the facts of the present case were that on 17.10.2024, multiple PCR calls regarding a quarrel were received at PS Subzi Mandi, Delhi, pursuant to which HC Kuldeep, along with Ct. Sandeep, reached Gali Bisheshar Nath, Subzi Mandi, where bloodstains were found and it was learnt that the injured had been shifted to Hindu Rao Hospital. Two injured persons, namely Ashish and Abhishek, were found admitted and initially



declared unfit to give statements. After discharge, the statement of injured Abhishek was recorded, wherein he alleged that on 16.10.2024, while returning after dinner, he and his friend Ashish were assaulted by several known persons, including the present petitioner, and that the petitioner had attacked him with a blade, causing grievous injuries. On the basis of the said statement, FIR No. 648/2024 dated 17.10.2024 under Sections 110/3(5) BNS was registered. During the investigation, some accused persons were arrested, while others joined the investigation and were bound down. CCTV footage examined during the investigation corroborated the assault by certain co-accused. The injuries on both MLCs were opined to be grievous and Section 109(1) BNS was added. The main charge-sheet and a supplementary charge-sheet have since been filed. It is further noted that the petitioner failed to join the investigation despite service of notice, remained absconding, and was later arrested after surrendering before the Court.

3. The learned counsel appearing on behalf of the applicant/accused argues that the Investigating Officer has already filed the supplementary chargesheet *qua* the applicant/accused. It is contended that, as per the role attributed to the applicant/accused, he is alleged to have inflicted only fist blows and kicks upon the complainant. It is further argued that the applicant/accused did not use any sharp-edged weapon and no injury by such weapon is attributable to him. The learned counsel further submits that the applicant/accused has been in judicial custody for a period exceeding five months. It is also pointed out that no recovery whatsoever has been effected from the applicant/accused during the course of the investigation. Therefore, it is prayed that the applicant/accused be enlarged on regular bail.

4. On the other hand, the learned APP for the State argues that the



applicant/accused was involved in the altercation which took place between the applicant/accused and the complainants. It is further argued that the injuries sustained by the complainants were of a *grievous* nature. It is further argued that the applicant/accused has previous involvement. Therefore, it is prayed that the applicant/accused not be enlarged on bail.

5. This Court has **heard** the arguments addressed by the learned counsel for the applicant and learned APP for the State and has perused the material on record.

6. This Court notes that an analysis of the material placed on record, particularly the CCTV footage relied upon by the prosecution, *prima facie* shows that the applicant/accused is seen inflicting fist blows and kicks upon the complainants. It is also evident from the said footage that the applicant/accused was not armed with any sharp-edged weapon and did not use such a weapon during the incident in question.

7. This Court further observes that the allegations of use of a sharp-edged weapon and the causing of grievous injuries have been specifically attributed to the co-accused. The said co-accused has already been enlarged on bail by the learned Additional Sessions Judge vide order dated 05.03.2025. The principle of parity, therefore, operates in favour of the present applicant, whose role, as reflected from the record, is comparatively less grave.

8. This Court also takes note of the fact that the applicant/accused has remained in judicial custody for a period exceeding five months. The investigation has substantially progressed and the charge-sheet has already been filed, thereby reducing the possibility of the applicant/accused interfering with the investigation or tampering with evidence.



9. In view of the limited role attributed to the applicant/accused, the grant of bail to the co-accused alleged to have played a more serious role, and the period of custody already undergone, this Court is of the considered opinion that further incarceration of the applicant/accused is not warranted at this stage.

10. Considering the overall facts and circumstances of the case, including the period of custody already undergone by the applicant/accused and that the investigation *qua* the applicant/accused is complete, therefore, this Court is inclined to grant regular bail to the applicant, on his furnishing a personal bond in the sum of ₹10,000/- 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 concerned I.O./SHO.
- 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.

11. Accordingly, the present bail application, along with pending application, stands disposed of.



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

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 05, 2026/ns
RB/T.S.