

Aditya @ Jakhmi vs State Nct Of Delhi on 1 April, 2025

\$~65

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision

+

BAIL APPLN. 1243/2025 & CRL.M.A. 9660/2025

ADITYA @ JAKHMI

Through: Mr. Vibhas Kumar Jha,

versus

STATE NCT OF DELHI

Through:

Mr. Nawal Kishore Jha,
Investigating Officer/
Malik, PS Sultanpuri

CORAM:

JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks to be released on regular bail in case FIR No.430/2024 of PS Sultanpuri for offences under Section 307/34 IPC and Section 25/27 Arms Act. Broadly speaking, the prosecution case is that on the fateful night, the injured Kunal was beaten up by the present accused/ applicant, after which co-accused Rahul and Sahil stabbed the injured on thigh, chest and back, after which all assailants fled the spot.

2. It is contended on behalf of accused/applicant that he has been falsely implicated in this case and even otherwise, according to the medical report, injuries suffered by Kunal were simple in nature. It is submitted that the BAIL APPLN. 1243/2025 Page 1 of 3 pages GIRISH Digitally signed by GIRISH KATHPALIA DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH COURT, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb 4835d435f97626cacca, postalCode=110003, st=DELHI, KATHPALIA serialNumber=D3E86796451EC45C07B5D15570996B40F80C BD2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA Date: 2025.04.01 14:50:22 -07'00' Digitally Signed By:RAHUL YADAV Signing Date:01.04.2025 16:34:39 accused/applicant is in custody since 09.05.2024. Further, it is submitted by learned counsel for accused/applicant that those accused persons who allegedly stabbed the victim have not been arrested till date and comparatively, role assigned to the accused/applicant is very minor.

3. Learned prosecutor opposes the bail application on the ground that chargesheet against the accused/applicant is already being taken through trial in which the injured Kunal has already been partly chief examined as PW-2 and he identified the present accused/applicant during his testimony. It is further submitted by learned prosecutor that the knife allegedly used by Rahul and Sahil was recovered from the present accused/applicant.

4. Learned counsel for accused/applicant submits that it is not believable that knife used by others would be retained by the accused/applicant.

5. On being directed, the IO produced Case Diary as regards efforts being done to arrest the remaining two accused persons, because those accused persons being absconders would be a relevant aspect here. But the Case Diary shows that after 02.08.2024, no action at all has been taken to apprehend or trace out Rahul and Sahil. Therefore, to deprive the accused/applicant liberty on the ground of failure to arrest the co-accused persons would not be fair.

BAIL APPLN. 1243/2025

GIRISH

DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH COURT, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626cacca, postalCode=110003, KATHPALIA st=DELHI, serialNumber=D3E86796451EC45C07B5D15570996B40F80CBD2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA Date: 2025.04.01 14:50:50 -07'00' Digitally Signed By:RAHUL YADAV Signing Date:01.04.2025 16:34:39

6. Considering the above circumstances, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Trial Court. Pending application stands disposed of.

7. The accused/applicant shall not contact any of the prosecution witnesses, failing which consequences shall follow.

8. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

GIRISH DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH COURT, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626cacca, KATHPALIA postalCode=110003, st=DELHI, serialNumber=D3E86796451EC45C07B5D15570996B40F80CBD2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA Date: 2025.04.01 14:51:09 -07'00' GIRISH KATHPALIA (JUDGE) APRIL 1, 2025/ry BAIL APPLN. 1243/2025 Page 3 of 3 pages