



2025:DHC:4054



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

% *Date of Decision: 20.05.2025*

+ **BAIL APPLN. 1936/2025 & CRL.M.A. 15606/2025**

VIKAS KUMAR

.....Petitioner

Through: Mr. Sangram Singh and Mr. Brajesh
Kumar, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Narender, PS Vikaspuri.

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+ **BAIL APPLN. 1063/2025**

SAGAR @ NEPALI

.....Petitioner

Through: Mr. Bharat Bhushan Bhatia,
Advocate.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Narender, PS Vikaspuri.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. In furtherance of last order passed in Bail Application No. 1063/2025, prosecution had filed Status Report along with MLCs of injured persons and CCTV footage. In Bail Application No. 1936/2025, learned APP accompanied with Investigating Officer/SI Narender accepts notice. As



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submitted by both sides, both these applications arise out of same incident and on the basis of Status Report filed in the Bail Application No. 1063/2025, both applications can be heard and decided together.

2. I have heard learned counsel for accused/applicants and learned prosecutor assisted by the Investigating Officer.

3. The accused/applicants, suffering incarceration since 15.12.2024 (Vikas) and 16.12.2024 (Sagar) seek to be released on bail in case FIR No. 635/2024 of PS Vikaspuri for offence under Section 110/3(5)/109 BNS.

4. Briefly stated, the prosecution case as unfolded through the FIR registered on the statement of injured Devesh is as follows. On 14.12.2024 at about 10:30 pm, when Devesh was about to reach home, he received phone call from Harshit Tyagi, who informed that 3-4 boys were planning to kill him (Harshit Tyagi). So, Devesh immediately reached K.K. Dhaba in C-Block Market, where Harshit Tyagi informed that few boys were standing at the gate of Subhash Vatika; and that those boys had some money dispute with owner of China Town restaurant and when he (Harshit) tried to intervene, those boys threatened him. Hearing this, Devesh along with Harshit Tyagi reached at the gate of Subhash Vatika; over there those 3-4 boys ran towards them and attacked both of them with knives. Those boys were dragging Harshit Tyagi towards toilet and one of them was exhorting accused Sagar to stab on neck of Harshit Tyagi. In the meanwhile, few persons from market came to save them and took them towards market. In the meanwhile, Devesh lost consciousness due to heavy bleeding and he



regained consciousness in the hospital, where his statement was recorded.

5. In the above backdrop, learned counsel for accused/applicants contended that because of the long incarceration of the accused/applicants, it is now appropriate to release them on bail, especially because the injured Devesh and Harshit Tyagi stood discharged from hospital after preliminary treatment. Learned counsel for accused/applicants also showed me in his mobile phone a video clip reflecting the injuries suffered by the accused Sagar. Learned counsel for accused/applicants also took me through MLCs of the accused persons reflecting that the accused/applicant Sagar suffered partial amputation of his index finger besides other injuries. Learned counsel for accused/applicants submitted that in this group fight, both sides suffered injuries but the local police acted in a partisan manner, registering the FIR only against the accused/applicants, so they had to approach the Magisterial Court, from where on directions FIR against the injured persons also was registered.

6. On the other hand, learned prosecutor referred to the injuries suffered by the injured persons, especially the injured Harshit Tyagi, nature of whose injuries have been opined grievous by the doctor, though there appears to be no explicit parameter on the basis whereof the injuries were opined grievous. Learned prosecutor also referred to the CCTV footage, which was played in court. But the said CCTV footage does not depict the incident; it only depicts few persons walking across the street.

7. Considering the overall circumstances as described above, especially



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the serious injury suffered by the accused Sagar and totally partisan attitude of the local police, which casts shadow of doubts on genesis of the incident, I find no reason to deny liberty to the accused/applicants who have already suffered incarceration for about past six months.

8. Both these applications are allowed, thereby directing that the accused/applicants be released on bail subject to each of them furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the learned Trial Court. Pending application stands disposed of.

9. Copy of this order be immediately sent to the concerned Jail Superintendent for informing the accused/applicants.

10. At this stage, Shri Bharat Bhushan Bhatia, counsel for accused Sagar appears and submits that he was waiting for the matter outside the court room. But the matter was taken up as it is connected with Bail Application 1936/2025 (Item No. 62) and at the time of hearing, the impression taken was that two counsel appearing from the side of accused/applicants were representing applicants of both cases. Learned counsel is apprised of the order passed above.

**GIRISH KATHPALIA
(JUDGE)**

MAY 20, 2025/DR