



2025:DHC:8148



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

Reserved on: 01.09.2025
Date of Decision: 16.09.2025

+ **BAIL APPLN. 2353/2025**
KHALIL @ MASS @ SANGRAMPetitioner
Through: Mr. R. N. Sharma,
Mr. Himanshu Solanki, Mr. Pranav Dixit,
Mr. Om Kumar and Mr. Sahil Bhandari,
Advs.

versus

STATE NCT OF DELHIRespondent
Through: Ms. Meenakshi Dahiya, APP
for State
Complainant in person

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (Corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from FIR No. 143/2024 dated 13.03.2024, registered at P.S. Tilak Nagar for the offences under Sections 307/34 of the Indian Penal Code, 1860³.

2. The case of the prosecution is that on 13.03.2024 at about 02:15 AM, when the complainant Deepak, was returning to his house,

¹ Hereinafter "BNSS"

² Hereinafter "CrPC"

³ Hereinafter "IPC"



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his neighbors, the petitioner herein and co-accused CCLA @ M, accosted him. It is alleged that co-accused CCLA @ M demanded repayment of Rs. 1,000/- which the complainant had borrowed about 3-4 months earlier. Upon the complainant requesting time, co-accused CCLA @ M became aggressive, slapped him, and along with the petitioner, restrained and assaulted him. Thereafter, on the exhortation of the co-accused to kill the complainant, the petitioner took out a knife and stabbed him in the abdomen, which due to his movement struck his hip, and also inflicted a second blow on his left thigh. The complainant raised an alarm, whereupon both accused fled from the spot. The complainant contacted the police and was taken to the Hospital, where his MLC was prepared.

3. On the basis of his complaint, the FIR was registered, and the petitioner was arrested from Woodland Park, Tagore Garden, Delhi, on identification by the complainant.

4. The learned ASJ, West District, Tis Hazari Courts, Delhi in SC No. 382/2024, *vide* order dated 14.05.2025 rejected the bail of the petitioner. The Court while dismissing the bail observed that two earlier bail applications had already been rejected and that no fresh ground was made out in the present application. It was observed that charges were yet to be framed, material witnesses were yet to be examined, and there existed likelihood of the accused influencing or threatening witnesses if enlarged on bail. The Court further took into account the gravity of the offence under Section 307 IPC, the recovery of the weapon of offence from the petitioner herein, and his involvement in multiple other criminal cases. In view of these circumstances, the learned Court held that no ground for grant of bail was made out.



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5. The petitioner has now approached this Court by way of the present petition seeking grant of regular bail.

6. Learned counsel for the petitioner, at the outset, submits that the petitioner has been falsely implicated in the present case and has no connection with the alleged offence. He contends that as per the MLC, the injuries sustained by the complainant are only two incised wounds, one on the left thigh and other on the left buttock, both being on non-vital parts of the body and opined to be simple in nature. It is further pointed out that the complainant had left the hospital against medical advice (LAMA), which also demonstrates that the injuries were not of a grievous or life-threatening nature. In these circumstances, it is urged, the essential ingredients of Section 307 IPC are not attracted and at best the case would fall within the ambit of hurt.

7. He further submits that the complainant is a habitual offender against whom several FIRs stand registered at P.S. Tilak Nagar and P.S. Kirti Nagar. It is pointed out that the initial PCR call made by the complainant at 2:34 AM only mentioned a stab injury on the hip and snatching of Rs. 1,000/-, but subsequently, on legal advice, the version was improved in the FIR to bring it within the ambit of Section 307/34 IPC. It is also urged that the site plan shows that the spot of the incident was in complete darkness and thus the complainant could not have identified the accused. It is further submitted that the parties were known to each other and there were money transactions between them.

8. It is next contended that the petitioner has been in custody since 14.03.2024 and despite the lapse of more than fourteen months, the trial has not commenced, as even charges have not been framed. There



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are as many as sixteen prosecution witnesses and the trial is likely to take considerable time.

9. Learned counsel also submits that nothing incriminating was recovered from the petitioner at the time of arrest, except for an alleged recovery of a knife, which is disputed. The petitioner is not a previous convict, is the sole breadwinner of his family and undertakes to abide by any condition imposed by the Court and to regularly attend the trial.

10. *Per contra*, the learned APP appearing on behalf of the State has argued on the lines of the status report. He submits that the petitioner is the main accused and the allegations against him are also serious in nature.

11. He further submits that the complainant, in his statement, categorically alleged that while his hands were held by co-accused CCL A @ M, the petitioner attempted to stab him in the stomach with an intention to kill, but owing to his resistance, the blow landed on his hip and thigh. Subsequently, the petitioner also made a disclosure statement admitting his role.

12. Learned APP has drawn attention to the subsequent medical opinion dated 20.05.2024 wherein the doctor opined that the injuries sustained by the complainant were consistent with the recovered weapon of offence and that the wound on the thigh could have been fatal had it been inflicted slightly lower on the popliteal region where major blood vessels are located. The seized weapon and blood-stained clothes have been deposited in FSL, Rohini and the expert report is awaited.

13. It is further submitted that the petitioner is a habitual offender, having been previously involved in as many as 16 criminal cases



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including snatching, house thefts and offences under the Arms Act, and there is every likelihood of his indulging in similar offences and threatening witnesses if enlarged on bail. It is emphasized that the chargesheet has already been filed and the case is at the stage of charge, and therefore, no ground for grant of bail is made out.

14. I have heard the learned counsel for the petitioner, learned APP for the State, as well as the complainant in person and have perused the material on record.

15. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

16. In the present case, the primary contention urged on behalf of the petitioner is that the injuries sustained by the complainant are simple in nature and on non-vital parts of the body, and therefore Section 307 IPC would not be attracted. This argument deserves outright rejection at this stage. The nature of the injury alone is not determinative of the applicability of Section 307 IPC. What is relevant is the intention or knowledge with which the act was committed, the part of the body, where the injury was intended to be inflicted. In the present case, the complainant has clearly alleged that the petitioner attempted to stab him in the stomach with an intention to kill, but for



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his act of turning, the blow landed on his hip. A subsequent medical opinion further notes that the injury on the thigh could have proved fatal had it been marginally lower in the popliteal region. These facts *prima facie* indicate the requisite intention and knowledge under Section 307 IPC. Whether or not the offence ultimately stands proved is a matter of trial.

17. The contention of the petitioner that the complainant is a habitual offender, or that the initial PCR call did not fully implicate the petitioner, also fails to persuade this Court. The complainant/victim himself made the PCR call naming the petitioner and has consistently identified himself during investigation. Alleged criminal antecedents of the complainant cannot exonerate the petitioner when there is direct ocular testimony coupled with recovery of the weapon of offence.

18. While considering the argument of the petitioner that he has been in custody for about 14 months and the trial has not commenced, does not, in the facts of the present case, entitle him to bail. Delay in trial, by itself, cannot be the sole ground to enlarge the petitioner where the offence alleged is grave, punishable with life imprisonment, and is supported by medical evidence and recovery of weapon. A Co-ordinate Bench of this Court has recently reiterated this position in Bail Appln. 2100/2025, in the following terms:

“The right to speedy trial, though a valuable constitutional protection under Article 21, cannot be stretched to a point where it overshadows the overwhelming circumstances of guilt that stand against the accused at this stage. Delay in trial, though regrettable, is not by itself a ground for bail in cases involving grave and heinous offences, particularly where the evidence links the accused to the commission of the crime. It is well settled that though bail is the rule and jail an exception, the nature and gravity of the offence, the role attributed to the accused and the societal impact of releasing an accused charged with heinous offences are



relevant considerations which cannot be overlooked.”

19. It is also not disputed that a blood-stained steel knife was recovered at the instance of the petitioner, duly seized and sent for forensic examination, with medical opinion linking the injuries to the said weapon. These facts cannot be brushed aside at this stage, particularly in view of the subsequent medical opinion dated 20.05.2024, which reads thus:

“after considering the observations on the part of produced weapon of offence (knife) injuries noted in MLC No. 1914/2024 dated 13.03.2024 and tearing/cuts on the produced clothing, I am of the considered opinion that incised stab wounds (injury no. 1 & 2(and tears / cuts on the clothing (one blue pyjama / lower and another clothing short) could have been inflicted by produced weapon of offence. Further it is opined that the wound sustained on the posterior aspect of left thigh could have been proved fatal / caused death of the position / site of the wound placed little bit lower part of thigh i.e. popliteal region wherein large blood vessels existed naturally and by their tearing/ stabbing by the same weapon of offence.”

20. While considering whether an accused ought to be enlarged on bail, it is imperative for a Court to ascertain criminal antecedents, especially where heinous offences are involved. The Status Report, indicating the petitioner’s involvement in offences, including heinous offences under Sections 379/380/411/457 IPC as well as offences under Arms Act, clearly demonstrates a strong likelihood that, if released on bail, the petitioner may either engage in similar criminal activity or attempt to influence witnesses.

21. Having regard to the nature and gravity of the accusations, the material on record, recovery effected, the antecedents of the petitioner, and the stage of the proceedings being at the stage of charge framing, this Court does not find it a fit case for grant of bail.



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22. Accordingly, the present bail application is dismissed, along with pending application(s), if any.

23. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case. The learned Trial Court shall proceed with the matter and conclude the trial expeditiously, in accordance with law.

AJAY DIGPAUL, J.

SEPTEMBER 16, 2025/gs/dd