



SC :46/2025
FIR No. : 541/2024

PS: Sarai Rohilla

U/s: 109(1)/115 (2)/118(1)/126 (2)/3(5) BNS
State Vs. Shubham Kushwaha & Ors.
CNR No. : DLCT-01-00102-2025

12.07.2025

Bail application of applicant Shubham Kushwaha son of Shiv Kanth.

ORDER:-

Present: Sh. Himanshu Garg, Ld. Addl. PP for the State.
Sh. Choudhary Rabinder Singh, Ld. Counsel for the
accused/applicant.

1. By this order I shall decide the bail application of accused Shubham Kushwaha i.e. I.A. no. 03/25 filed u/s 483 BNSS on behalf of the accused.

2. Brief facts of the case that on 29.09.2024 on receipt of DD no. 103 ASI Mansih Charan along with H.Ct. Surender went to Deep Chand Bandu hospital and met injured Rajinder Kumar and Nikil, obtained there MLC. They could not given their statement on account of pain. On 03.10.2024 both the accused came to the police station and gave their statement. As per the statement of injured Rajinder Kumar on 29.09.2024 at around 9:30 pm he returned to his room after completing his work. Shubham who is the resident of same floor started abusing when he objected Shubham's brother Guddu came at the spot, both of them pushed

him because of which he fell in the corner of his toilet and they started giving leg and fist blows, when he made hue and cry injured Nikhil and Vikas came. Guddu, Shubham and Vikas started giving leg and fist blows to him and Nikhil. When they tried to run away Guddu caught hold of him and Shubham caught hold of Nikhil. Vikas brought the knife and handed over the same to Shubham who gave a knife blow to him and Nikhil. On the basis of his statement FIR u/s 115(2)/118(1)/126(2)/3(5) BNS was registered. After completion of investigation charge sheet u/s 115(2)/118(1)/109(1)/126(2)/3(5) BNS was filed.

3. Ld. counsel for the accused submits that accused is in judicial custody since 19.10.2024, injured were discharged on the same day. Other co-accused are on regular bail. IO of the case never bothered to take into the account the MLC of the accused.

4. On the other hand, Ld. Addl. PP for the State submits that allegations against the accused are serious in nature. The role of the present accused is that he has inflicted knife blows which is different from the two other accused who have been granted bail. Hence, the bail application be dismissed.

5. I have heard Ld. Counsel for the accused and Ld. Addl PP for the state and perused the record.

6. In the present case injured were discharged from the hospital on the very same day. The present applicant is languishing in judicial custody since 19.10.2024. The applicant has placed on record his own MLC which has been duly verified by the SHO concerned. It is stated in the reply that the said MLC was handed over to ASI Sanjay Tyagi who never carried out any investigation qua the said MLC and suitable action has been recommended against him. Be that as it may be. The injuries on the accused has not been explained in the present charge-sheet. No useful purpose would be served to keep the accused behind bars as charge sheet has already been filed.

7. Considering the overall facts and circumstances, the applicant is admitted to bail on furnishing P/B and S/B of Rs. 25,000/-with one surety of the like amount to the satisfaction of this court and also subject to the following conditions:

- a) *The applicant/accused shall under no circumstances leave the country;*
- b) *The applicant/accused shall inform the Court in the event of change of his address, within two weeks.*
- c) *The applicant/accused shall not commit any offence in the event of there being any FIR/DD Entry/ Complaint lodged against the applicant, it would be open to the State to seek cancellation of the application which application, if any, filed would be considered on its own merits.*
- d) *The applicant shall not contact the victim in any manner.*

8. The concerned Ahlmad is directed to bring to the notice of the Court, if the applicant/accused fails to furnish the bail bonds within 30 days from today, for conducting a review in terms of the judgment passed by the Hon'ble Supreme Court of India in the case of ***“In Re Policy Strategy For Grant of Bail” SMWP (Criminal) No. 04/2021*** dated 31.01.2023, wherein the guidelines are laid down in this regard.

9. Nothing said herein shall tantamount to any expression or opinion of this Court on the merits of this case and all the observations has been made only for the disposal of the present application.

10. Application stands disposed off. Put up on the date fixed i.e. **05.08.2025**.

(ANKUR JAIN-I)
ASJ-04/Central/Delhi.
12.07.2025

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