

**IN THE COURT OF MS. NISHA SAXENA  
PRINCIPAL DISTRICT & SESSIONS JUDGE  
NORTH DISTRICT: ROHINI COURTS: DELHI**

IA No. 1/2025  
SC No. 450/2025  
STATE Vs. SHIVAM ALIAS SONU AND ANR.  
FIR No. 787/2024  
PS: Jahangir Puri

**ORDER**

06.08.2025

Vide this order, I shall dispose off an application u/s 483 BNSS, moved on behalf of applicant/ accused Shivam @ Sonu.

I have heard the arguments of Ld. Addl. PP for the State and Ld. Counsel for applicant / accused Shivam Kumar.

Reply to the bail application has been filed by IO.

Ld. Counsel for the applicant / accused contended that applicant/ accused is innocent and has been falsely implicated in the present case. He was arrested on 01.02.2025 u/s 109(1), 3(5) BNS (307/34 IPC) without any cogent evidence. There is no eyewitness to the alleged incident. The entire evidence whether oral or documentary, is already in possession of IO, so there is no chance of tampering with the same. There is no independent witness to the recovery of knife and all the witnesses are police officials. The prosecution has relied upon 17 witnesses and trial would take a long time. Co-accused Ritik has already got bail on 06.05.2025. The applicant / accused is ready to undertake that he would not flee from justice and shall neither tamper with the evidence nor threaten the witnesses.

Ld. Addl. PP for the State has strongly opposed the bail application owing to the gravity of the offence. Ld. Addl. PP argued that the injured sustained grievous injuries. There are specific allegations of injured Bhupender @ Raj against the applicant/ accused regarding stabbing of knife and if he is released on bail, he may threaten and influence the witnesses.

I have heard Ld. Counsel for the applicant / accused, Ld. Addl. PP for the State and have perused the record.

Ld. Counsel for the applicant / accused has relied upon the judgment in the case of **Sanjay Chandra Vs. CBI 2012(1) SCC 40**, wherein the Hon'ble Supreme Court of India has observed as under:

“..We do not see any good reason to detain the accused in custody, that too, after the completion of the investigation and filing of the charge-sheet.”

In the said case Sanjay Chandra (supra), the Apex Court further held as under:

“This Court, time and again, has stated that bail is the rule and committal to jail an exception. It is also observed that refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution.”

Further, I place reliance upon the case of State of **Rajasthan Vs. Balchand, (1977) 4 SCC 308**, the Apex Court opined as under:

"2. The basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the Court. We do not intend to be exhaustive but only illustrative.”

Perusal of record reveals that charge for the offence u/s 109(1)/3(5) BNS has already been framed against the accused persons in this case. No previous involvement of applicant/accused in any other criminal case has been shown by the prosecution. Conclusion of the trial is likely to take considerable time. The applicant / accused is in J/C since 01.02.2025. Furthermore, the co-accused Ritik Kumar Jaiswal, who has been ascribed same role as the applicant/accused Shiv Kumar, has already been released on bail on 06.05.2025. Accordingly, on parity and also keeping in view that the applicant/accused Shiv Kumar is in JC since 01.02.2025, the applicant/ accused Shiv Kumar is also admitted to bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount, and subject to the following conditions :

- (1) the applicant/accused will not leave the city without prior permission of the court.
- (2) he shall appear before the court on each and every date.
- (3) he shall provide all his mobile numbers to the IO concerned, which shall be kept in working condition at all times and shall not change the mobile number without prior intimation to the IO concerned.
- (4) he shall not indulge in any criminal activity.
- (5) the applicant/accused will not threaten or influence the prosecution witnesses or tamper with evidence or create any sort of impediment in the trial etc.

It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.

Copy of this order be sent to the Superintendent Jail concerned.

The present bail application accordingly stands disposed off and be tagged with the main file.

Put up for PE on the date already fixed i.e. 22.09.2025.

(NISHA SAHAY SAXENA)  
Principal District & Sessions Judge  
North District/Rohini Courts/Delhi  
06.08.2025(d)