

SC No. 391/22
FIR No. 67/15
PS Vivek Vihar
U/s 308 IPC
STATE Vs. AJAY KUMAR

16.10.2025

Present : Sh. Parmod Kumar, Ld. Addl. PP for the State.

Accused produced from JC.

Sh. Dharmendra Singh, Ld. Counsel for accused.

Sh. C.S. Tyagi, Ld. LAC for accused submits that accused has engaged private counsel, therefore, he be discharged from this case. In view of this, Sh. C.S. Tyagi is discharged.

Ld. Counsel Sh. Dharmendra Singh for accused submits that application dated 09.09.2025 filed on behalf of accused for releasing him on personal bond be dismissed as withdrawn. Separate statement of Ld. Counsel is recorded in this regard. In view of this, the said application is dismissed as withdrawn.

PW-6 Insp. Santosh Pabri is examined, cross-examined and discharged.

At this stage, Ld. Addl. PP submits that he may be permitted to drop witness namely Dr. Ajay Maidan, S.R. Surgery as accused through his counsel has already admitted the result on MLC, on LDOH.

In view of the submissions of Ld. Addl. PP, PW Dr. Ajay Maidan is dropped from the list of witnesses.

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Put up for PE on 29.11.2025.

Arguments heard on the bail application of the accused.

Put up for orders at 4 pm.

(Charu Aggarwal)
ASJ-02/E-Court (Shahdara)
KKD/Delhi/16.10.2025

At 4 PM

**ORDER ON THE BAIL APPLICATION OF
ACCUSED AJAY**

Present : Sh. Parmod Kumar, Ld. Addl. PP for the State.

1. The present application has been filed by the accused/applicant Ajay Kumar seeking to grant him regular bail in FIR No. 67/15 PS Vivek Vihar u/s 308 IPC.

2. The case of prosecution is that on 25.01.2015 at about 5 pm, the accused hit danda (baans) on the head of the complainant Sunder Singh thereby caused hurt to him.

3. Presently, the case is at the stage of prosecution evidence before this court.

4. Pertinent to mention that the present charge sheet was filed without arrest of the applicant/accused. On issuance of NBWs against him, he appeared before the court on 28.01.2022, but thereafter, he again stopped appearing, therefore, proceedings u/s 82 Cr.PC were initiated against him, but on his application, the said process was recalled subject to fine of Rs.1,000/-, but again on NDOH, he failed to appear, resulting into issuance of NBWs. Thereafter, he appeared in court on 20.09.2022, when he

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was taken into custody by Ld. CMM. Thereafter, the present case was committed to this court being session triable and vide order dated 06.12.2022, my Ld. Predecessor admitted the applicant on regular bail. As per record, applicant was not regular in appearing in the court. On 17.08.2023 he remained absent due to which NBWs were issued against him on which the report was received along with the statement of his father that he is not residing with his family for last one year. Thereafter, again process u/s 82 Cr.PC was issued against him. *On 23.01.2024, he filed an application for cancellation of proceedings u/s 82 Cr.PC when he along with his surety appeared in the court, who requested to withdraw her surety for applicant submitting that she has no control over him. On her request, she was discharged being surety of applicant, thereafter, applicant was taken into custody on the same day and since then he is in JC. Now, the present application has been filed by applicant for releasing him on regular bail.*

5. Ld. Counsel for applicant submits that applicant has been falsely implicated in this case; he is the sole bread earner of his family; he will furnish a sound surety and will regularly appear in the court.

6. Application is opposed by Ld. Addl. PP submitting that applicant has repeatedly avoided his appearance in this court due to which several times NBWs and proceedings u/s 82 Cr.PC were issued against him. On merits, he submitted that PW-2/ victim has supported the case of the prosecution.

contd.,

7. Arguments considered.

8. The conduct of the applicant is evident from the record that he has repeatedly avoided appearance in the court. Ld. Addl. PP has rightly argued that at several occasions, NBWs and proceedings u/s 82 CR.PC. were initiated against him. Even, the surety of the applicant withdrew her surety on the ground that she has no control over the applicant. The purpose of the bail is to secure the presence of the accused but in this case, evidently, applicant evaded the process of law resulting into delay in process of the case. Presently, only one witness is remaining to be examined. The trial is at the fag end of the conclusion and the possibility cannot be ruled out that if the applicant be admitted on bail, he will again misuse the liberty which will hamper further progress of the case. Accordingly, at this stage, no ground to bail out the applicant is made out. Application is hereby dismissed.

Copy of this order be sent to applicant for information through Jail Superintendent.

(Charu Aggarwal)
ASJ-02/E-Court (Shahdara)
KKD/Delhi/16.10.2025