

I.A NO. 6/.2026
SC No. 601/2025
STATE Vs. RATAN KUMAR & Ors.
(Applicant:- Raj Kumar @ Raju)
FIR No. 570/2024
PS : Bindapur
u/s : 109(1)/3(5) BNS
CNR No. DLSW01-008687-2025

29.08.2026

File taken up on application for grant of Regular Bail filed by the accused / applicant Raj Kumar.

Present: Sh Sajid Malik, Ld Counsel for the accused /
applicant Raj Kumar
Shri Girish Kumar Manhas, Ld. Addl. PP for State.
IO ASI Harmeet Singh in person.

This is an application filed by applicant / accused Raj Kumar @ Raju seeking regular bail in the present case bearing FIR No. 570/2024, P.S. Bindapur, registered for offences punishable under Sections 118(1)/3(5) of the BNS, 2023.

Briefly stating the case of the prosecution is that on 09.12.2024, all the accused persons namely the applicant Raj Kumar @ Raju, Rattan and Pradeep along with the CCL 'A' in furtherance of their common intention assaulted the complainant with a knife and caused grievous injuries on his neck and abdomen and thereby committed an offence punishable under section 109(1) of the BNS, 2023 read with Section 3(5) of the BNS, 2023. Subsequently, the charge sheet was filed against the co-accused persons Rattan and Pradeep only as qua the accused / applicant Raj Kumar proceedings under section 84 of the BNSS, 2023 were pending. Additionally as the applicant/ accused Raj

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Kumar was declared absconder by the court and subsequently was arrested, supplementary charge sheet was also filed against him for the offence u/s 109(1) of the BNS, 2023 read with Section 3(5) of the BNS, 2023 and also for the offence punishable under section 209 of the BNS, 2023.

Learned counsel for the applicant/ accused submits that the applicant is in judicial custody since 21.01.2026. It is further submitted that the investigation qua the accused / applicant already stands concluded and charge-sheet has already been filed qua him as well as qua the other co-accused persons. It is further contended that even the charges in the present case have already been framed by this court on 16.02.2026 and the matter is presently at the stage of prosecution evidence. Learned counsel for the accused / applicant further submits that the earlier bail application of the applicant was dismissed on 21.02.2026 and the subsequent applications were withdrawn. It is further contended that since the dismissal of the previous bail applications, material change in circumstances has taken place and the complainant/injured Gagan, who is the principal prosecution witness, has also repeatedly failed to appear before the Court resulting that prosecution evidence has not commenced and the applicant continues to remain in custody.

It is further contended that the co-accused persons namely Pardeep Thapa and Rattan Kumar have already been admitted to bail and the applicant also deserves parity. Learned

counsel for the accused / applicant further submits that the applicant undertakes to appear regularly before the Court and not to contact or influence the complainant or any other prosecution witness. *Accordingly, it is prayed that the applicant/ accused be released on bail.*

Conversely, Learned Addl. PP for the State, assisted by the Investigating Officer, has opposed the application. It is submitted that a specific and serious role has been attributed to the applicant. It is further submitted that during the occurrence on 09.12.2024, the applicant allegedly took out a knife and inflicted repeated blows upon injured Gagan and the medical opinion subsequently obtained describes the injuries upon the complainant as grievous and caused by a sharp object. It is further contended by Learned Addl. PP for the State that the conduct of the applicant prior to his arrest was not satisfactory and coercive process were also issued against him and proceedings under Section 84 BNSS, 2023 were initiated, whereafter he was declared an absconder. It is further submitted that ultimately the applicant/ accused was arrested on 21.01.2026 leading to filing of supplementary charge sheet qua him. It is further submitted that the applicant/ accused is also involved in other serious criminal offences. *Accordingly, it is prayed that the conduct of the accused/ applicant do not deserves any leniency from the court and as such it is submitted that the bail application of the applicant be dismissed.*

I have heard the submissions of Learned counsel for the applicant / accused and the Learned Addl. PP for the State as well as the IO and further I have also perused the record.

There is no dispute that the allegations against the applicant are serious and that a direct role in the use of the knife is attributed to him. His earlier conduct of remaining unavailable to the investigating agency and the previous involvements pointed out by the prosecution are also circumstances which weigh against him and cannot be ignored.

At the same time, this court cannot ignore the fact that the applicant has now remained in custody since 21.01.2026 and investigation qua him stands completed and charge-sheet has also been filed. Further, charges have already been framed against the accused and his custodial interrogation is no longer required. More importantly, despite the case having reached the stage of prosecution evidence, the complainant/injured, who is the principal witness of the prosecution, has not been examined till date.

Furthermore, the co-accused Pardeep Thapa and Rattan Kumar are already on bail. Thus, balancing the gravity of the accusation and the previous conduct of the applicant against the period of custody already undergone, completion of investigation, framing of charge, non-commencement of prosecution evidence and the fact that the co-accused are already on bail, this Court holds that further detention of the applicant is

not warranted at this stage.

Accordingly, without expressing any opinion on the merits of the case, the application of the applicant/ accused is allowed. Applicant/accused Raj Kumar @ Raju is admitted to regular bail on furnishing a personal bond in the sum of ₹25,000/- with one surety in the like amount, to the satisfaction of this court, subject to the following conditions:

i. The applicant shall appear before the Learned Trial Court on every date of hearing unless specifically exempted in accordance with law and shall not seek unnecessary adjournments.

ii. The applicant shall not directly or indirectly contact, communicate with, threaten, induce or influence complainant/injured Gagan or any other prosecution witness, either personally, telephonically, electronically or through any third person.

iii. The applicant shall not tamper with the prosecution evidence in any manner.

iv. The applicant shall furnish his current residential address and mobile number to the Investigating Officer as well as to the Learned Trial Court and shall keep the said mobile number operational during the pendency of the trial.

v. The applicant shall not change his residential address without prior intimation to the Learned Trial Court and the Investigating Officer.

vi. In view of his previous conduct, the applicant shall not leave the country without prior permission of the Learned Trial Court and shall surrender his passport, if any, before the Learned Trial Court at the time of furnishing the bail bond.

vii. The applicant shall not indulge in any criminal activity or misuse the liberty granted to him in any manner.

In case the applicant attempts to influence the complainant or any prosecution witness, absents himself from the

proceedings without sufficient cause or otherwise violates any of the conditions imposed herein, the IO/State shall be at liberty to move an appropriate application seeking cancellation of bail of the applicant/ accused in accordance with law.

Nothing observed herein shall be construed as an expression on the merits of the prosecution case.

The bail application stands disposed of accordingly.

Copy of the order be given dasti to Learned counsel for the applicant, as prayed for.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/29.08.2026

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