

BAIL MATTER NO. 1317/2026
State Vs. HARSH RATHEE
FIR No. 316/2025
PS : NAJAFGARH
U/s : 115(2)/126(2)/3(5) BNS, 2023

20.07.2026

Present: Sh.Anirudh Yadav, Ld Counsel for the applicant/
accused
Shri Girish Kumar Manhas, Ld. Addl. PP for State.
IO HC Harinder Singh in person.

***Vide this order, I shall dispose of the application
filed on behalf of applicant/accused Harsh Rathee seeking grant
of regular bail.***

Reply to the application has been filed by the Investigating Officer. The same is taken on record. Copy has been supplied to learned counsel for the applicant.

Before advertng to the grounds taken by the accused/applicant in his bail application, it is imperative for this court to understand the case of the prosecution. *Briefly stating*, the case of the prosecution is that the present FIR was registered on the complaint of Anjali Yadav in respect of an incident arising out of a quarrel which initially took place between children and thereafter involved the elder members of both families. It is further the case of the prosecution that on 05.10.2025 at about 6:30 PM at RZ-33, J Block, Dharampura, Najafgarh, New Delhi , Aman Rathi along with his 6-7 associates laced with sticks entered the house of the complainant and started beating the family members of the complainant and the family members of the complainant suffered injuries. It is further case of the

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prosecution that the accused persons also threatened the complainant to kill. It is further the case of the prosecution that the applicant was present at the place of occurrence and his involvement in the incident has surfaced during investigation. It is further the case of the prosecution that the applicant had initially avoided joining the investigation for several days and after his arrest, the alleged case property/weapon used in the commission of the offence was recovered at his instance.

Ld Counsel for the applicant / accused has submitted that the applicant / accused is innocent and has been falsely implicated in the present case. It is further submitted that the applicant is a young person and has clean antecedents and deep roots in society. Ld. counsel for the applicant / accused has submitted that the applicant himself surrendered/joined the investigation and therefore there is no likelihood of his absconding. It is further submitted that the alleged recovery has already been effected and nothing remains to be recovered from or at the instance of the applicant. It is further contended that the applicant undertakes to join the investigation as and when directed and not to tamper with the evidence or influence any witness, and to abide by every condition imposed by the Court. *Accordingly, it is prayed that the applicant be released on bail.*

Conversely, Ld. Addl. PP for the State, assisted by the IO, has opposed the application of the applicant/ accused on the ground that the investigation is still in progress and release of the applicant may prejudice the investigation. *Accordingly, it is prayed that the bail application of the applicant be dismissed.*

I have heard the Ld. Counsel for the accused/applicant and the Ld. Addl. PP for the State as well as the IO. Further, I have also carefully perused the material on record.

The allegations against the applicant are undoubtedly required to be examined during trial. However, the Court, while considering the question of bail, is required to take into account the nature of accusations, the role attributed to the accused, the stage of investigation, the requirement of further custodial interrogation, the possibility of absconding or influencing witnesses and the antecedents of the accused.

In the present case, the applicant is in judicial custody and the alleged case property/weapon has already been recovered at his instance. No further recovery from the applicant has been pointed out and his further custodial interrogation is not shown to be required. The prosecution itself states that the occurrence arose out of a quarrel between children in which the elder members of the two families subsequently became involved and that there was no previous enmity between the parties.

Further no previous criminal involvement of the applicant has been brought to the notice of the Court. The apprehension of the prosecution regarding his non-cooperation or influencing the witnesses can be adequately addressed by imposing appropriate conditions. Therefore, continued detention of the applicant, in the facts presently before the Court, would not serve any useful purpose and apparently the trial is likely to take time.

As such, in view of the totality of the facts and circumstances of the present case and without expressing any opinion on the merits of the case, the present bail application of the applicant Harsh Rathi is allowed. Applicant/accused Harsh Rathee 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 the learned Trial Court/Duty Magistrate concerned/ Link Court, subject to the following conditions:

- a. The applicant shall join the investigation as and when directed by the IO and shall cooperate with the investigation.*
- b. The applicant shall not directly or indirectly threaten, induce, influence or contact the complainant or any prosecution witness.*
- c. The applicant shall not tamper with the prosecution evidence in any manner.*
- d. The applicant shall furnish his current residential address and mobile number to the IO and shall keep the mobile number operational during the pendency of the case.*
- e. The applicant shall not leave the country without prior permission of the Court concerned.*
- f. The applicant shall appear before the Learned Trial Court on every date of hearing unless exempted in accordance with law.*
- g. The applicant shall not indulge in any offence of a similar nature during the pendency of the proceedings.*

Needless to say that nothing stated herein shall be construed as an expression on the merits of the case and in case of breach of any condition, the State / IO shall be at liberty to seek cancellation of bail of the applicant/ accused in accordance with law. **The application stands disposed of accordingly.**

Copy of this Order be given to the Ld. Counsel for the accused/applicant.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/20.07.2026