



2025:DHC:6614



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 08.08.2025

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BAIL APPLN. 2987/2025 & CRL.M.A. 23120/2025

ABHISHEK KHATRI ALIAS JAGTAR

.....Petitioner

Through: Mr. Ashok Dahiya, Advocate.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Dinesh Kumar, PS NIA**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 514/2025 of PS Narela Industrial Area for offence under Section 109(1)/351(2)/118(1)/126(2)/3(5) of BNS. Broadly speaking, the allegation against the accused/applicant is that along with co-accused Rohit Khatri @ Jonty, he assaulted the victim with iron rod, sticks and iron stand, thereby causing multiple fractures on both his lower and upper limbs.

2. Learned counsel for accused/applicant mainly seeks parity on the



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ground that co-accused Rohit Khatri @ Jonty with exactly same role as ascribed to the accused/applicant was granted regular bail by this court on 31.07.2025. The order dated 31.07.2025 by which co-accused Rohit Khatri @ Jonty was granted regular bail is Annexure P-3 to this petition.

3. Learned APP accepts notice and submits that bail was granted to co-accused Rohit Khatri @ Jonty for the reason that his Medico Legal Report (MLR) dated 29.05.2025 reflected multiple lacerated wounds and tenderness over both limbs, but also recorded that no X-ray could be performed; and that being so, evidently, correct picture was not presented before the Court of Sessions. On 31.07.2025, the IO had also produced a medical document bearing signatures of Dr. Kumar Bharat with the opinion that as per documents of Hasija Hospital, the injury was grievous, but IO had not collected those documents from Hasija Hospital or the government hospital where Dr. Kumar Bharat is posted as Medical Officer. As such, bail was granted to Rohit Khatri @ Jonty. Learned APP assisted by IO/SI Dinesh Kumar submits that after grant of bail to Rohit Khatri @ Jonty, IO has collected documents from Hasija Hospital.

4. I have examined the medical record of Hasija Hospital, produced by the IO. To say the least, investigation in this case does not appear to be satisfactory in any manner.

5. To begin with, there is no Case Diary to show the collection of the Hasija Hospital records by the IO. Even the said records are only photocopies of the Discharge Summary of the injured. IO submits that one



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set of that photocopy was collected by him from mother of the injured while the other set of the same papers (photocopies) was collected by him from the hospital. The original Discharge Summary of the injured prepared at Hasija Hospital has not seen light of the day.

6. Further, there is no Radiologist Report to show that the injured suffered any fracture. In the course of hearing, some police official of PS Narela Industrial Area brought one X-ray film, purportedly of the arms and legs of the injured. That X-ray film depicts plate implants and screws on hands and legs. But that X-ray film is dated 09.07.2025. The alleged incident occurred on 29.05.2025. There is nothing to rule out that the implants and screws were already existing even prior to the alleged incident or came up subsequently. In order to establish that the injured had suffered fractures in the incident dated 29.05.2025, X-rays should have been done on the same day or the day or two thereafter. It appears that without any X-ray, the hospital issued Discharge Summary alleging multiple fractures. It would be quite interesting to note that in the Discharge Summary produced by the IO today, there is not even a whisper of any X-ray carried out on the injured when he was brought to the hospital. Presently, there is nothing on record to show that the injured suffered fractures on his limbs in the alleged incident.

7. Rather, it needs to be investigated independently, as to whether evidence is being fudged. Copy of this order be sent to the concerned DCP for necessary action.

8. In view of the above discussion, I find no reason to deny parity to the



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accused/applicant with co-accused Rohit Khatri @ Jonty.

9. The anticipatory bail application is allowed. In the event of his arrest, the accused/applicant shall be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned.

10. The pending application stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 8, 2025/ry