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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4025/2024, CRL.M.A. 33188/2024**

RIZAUL @ SHEIKH REJAMUL @ BABU THROUGH
PAIROKAR MANJURA Petitioner

Through: Mr. Firoz Iqbal Khan and Mr. Sajid
Ahmed, Advocates.

versus

THE STATE OF NCT DELHI Respondent
Through: Mr. Shoaib Haider, APP for State
with SI Mahesh and ASI Rajender,
P.S. Bhalswa Dairy.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.11.2024

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1. By way of present bail application, the applicant seeks anticipatory bail in FIR No. 672/2024 registered under Sections 125/3(5) of BNS 2023 & Sections 25/27/54/59 of Arms Act at P.S. Bhalswa Dairy, Delhi.
2. Learned counsel for the applicant submits that the allegations levelled in the FIR are untrue, inasmuch as, despite the spot of the incident being covered by the CCTV camera installed at a temple nearby, no such CCTV footage was recovered during investigation. He further submits that pursuant to the interim protection granted by the learned Sessions Court, the applicant has joined the investigation.
3. Ld. APP for the State, while resisting the bail application, submits that on the day of the incident, the applicant had come to the spot of the incident and had fired in the air. During the investigation, statements of two witnesses have been recorded who not only have identified the applicant but



also have attributed the role of firing gun shots to him. Moreover, the empties of the shots fired were also recovered from the spot. It is also stated that though the applicant has joined the investigation once, however, the weapon of offence is yet to be recovered. Ld. APP, on instructions from the I.O., further states that the CCTV camera installed at the temple does not cover the area of the said spot of the incident. It is also stated that the applicant is found involved in two other FIRs being FIR No. 153/2011 registered under Sections 323/452/506/34 IPC at P.S. Bhalswa Dairy and FIR No. 86/2021 registered under Sections 457/381 IPC at P.S. Alipur, Delhi.

4. Considering the fact that the presence of the applicant as well as firing of the gunshot has been witnessed by two other persons, statedly the barber as well as the owner of the shops and that the empties of the gunshots having been recovered, I do not find it to be a fit case to grant anticipatory bail to the applicant. Consequently, the bail application is dismissed alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

NOVEMBER 6, 2024

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