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

+ **BAIL APPLN. 1660/2016**

MUHD. ZUBAIR

..... Petitioner

Represented by: **Mr. Zakir Husain and Mr. Arpit
Srivastava, Advocates.**

versus

STATE

..... Respondent

Represented by: **Mr. Ravi Nayak, APP for the
State with SI Man Mohan, PS
Sadar Bazar.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

31.01.2017

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1. By the present petition the petitioner seeks bail in case FIR No.331/2014 under Section 302 IPC registered at PS Sadar Bazar, Delhi.

2. The above noted FIR was registered after a PCR call was made on 9th August, 2014 at about 1.30 AM regarding murder of a boy near house No.6622, Gali Kumharwali, Idgah Road, Sadar Bazar, Delhi. The injured was declared brought dead at the hospital and the MLC noted a lacerated wound over anterior side of neck approximately 8 x 4 x 2 cms, muscles and bones exposed. The deceased was identified as Mohd. Miraz.

3. Statement of Wasim Akram s/o Mohd. Saleem was recorded who stated that he was an eye witness of the incident. Since he was threatened, he did not come forward to state about the facts and produced his own bloodstained shirt, pant and shoes which he was wearing at the time of

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incident.

4. After the arrest of the petitioner, the weapon of the offence was also recovered at his instance. Though PW-3 Wasim Akram has not supported the case of the prosecution in his examination-in-chief, on cross-examination by the learned APP he admitted that he had handed over his bloodstained shoes and washed clothes which he wore at the time of incident.

5. Though blood was recovered on the knife however, the grouping could not be found out as it gave no reaction but it was opined to be human blood. Further as per the opinion of post-mortem doctor, the injury on the deceased was possible by the knife recovered at the instance of the petitioner.

6. Considering the nature of evidence on record and the fact that only six witnesses are yet to be examined, this Court does not find it to be a fit case for grant of bail. Needless to state that the petitioner has been in custody since 18th August, 2014, thus the learned Trial Court is requested to expedite the trial and conclude the same as expeditiously as possible.

7. Petition is dismissed.

MUKTA GUPTA, J.

JANUARY 31, 2017/‘vn’