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

+ **BAIL APPLN. 3009/2019**

NADEEM @ IMRAN @ BADA IMRAN Petitioner

Through: Mr M. Shamikh and Mr Absar
Ahmad, Advocates.

versus

STATE Respondent

Through: Ms Kusum Dhalla, APP for State with
Insp. Kumar Santosh, PS Bhajanpura.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.12.2019**

1. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No.0634/2017, under Sections 302/34 of the IPC and Sections 25/27 of the Arms Act, 1959, registered with PS Bhajan Pura. The said FIR relates to the alleged murder of one Arif Hussain. The said FIR was registered at the instance of the father of the deceased.
2. On 23.10.2017, a PCR call was received and the case was entrusted to ASI Madan Singh. He, along with Constable Bijender, reached the spot and found that a boy aged 22 years (Arif Hussain) was lying on the stairs of the house – House no. V-300/93, Gali No.21A, Vijay Park, Maujpur, Delhi.
3. The father of the deceased stated that, at about 1:00 AM, his son had gone out of the house and, thereafter, he heard some shots. He opened the gate of his house and his son came there and fell at the entry gate. He witnessed two persons shooting his son by firing multiple shots. Both the

assailants fled from the spot. It is alleged that their two other associates were waiting on two motorcycles. They picked up assailants and escaped from the spot.

4. The status report had been filed which indicates that DVRs was seized from nearby premises and the footage clearly indicates that two persons had opened fire at the deceased Arif Hussain. The said persons have been identified as Tanvir @ Gattu and Anwar. Two associates who were waiting on the motor vehicle had picked up the assailants were identified as Rashid @ Golu and Shadab @ Shabbo.

5. The petitioner was arrested in another FIR (FIR No.592/2017 under Sections 302/120B/307/34 of the IPC registered with PS Jafrabad). Two other accused persons were also arrested in the said case (Shahrukh Qureshi and Rizwan). It is reported that at the instance of Shahrukh Qureshi, the motorcycles used were recovered.

6. It is alleged that during the course of investigation Rizwan had made a disclosure that he had hatched the conspiracy along with certain other accused persons (Mumtaz, Shahrukh Qureshi, Shabbo @ Shahdab, Rashid @ Golu, Wasim @ Fauji, Tanvir @ Gattu, and Anwar @ Hatela) to avenge the murder of one Kamar, the real brother of the Mumtaz and the real uncle of Shahrukh Qureshi and Shahbaz Qureshi @ Shabbo.

7. It is material to note that the accused Rizwan also did not disclose any involvement of the petitioner.

8. According to the respondent, intelligence was collected and it was found that the petitioner was also involved in the conspiracy and had kept a watch on the movement of the deceased Arif Hussain. He had also attended several meetings in the house of the Rizwan and at the office of the Mumtaz.

It is also suggested that the incident was a result of inter-gang rivalry.

9. Admittedly, public witnesses have been examined and only official witnesses are now required to be examined.

10. It is also pointed out that one of the co-accused (Shahrukh Qureshi), at whose instance the motorcycles were recovered, has also been released on bail in the order dated 31.10.2019 passed by this Court.

11. Considering the above and the fact that the petitioner has been in custody for a considerable period of time, this Court considers it apposite to allow the present petition.

12. The petitioner is directed to be released on bail (in this case) on furnishing a Personal Bond of ₹1 lakh and a surety of an equivalent amount to the satisfaction of the Trial Court. The petitioner shall not leave the National Capital Territory of Delhi without the permission of the trial court. He shall ensure that he is available at all hearings before the Trial Court.

13. In addition to the above, on his release, the petitioner shall also report to the concerned police station (PS Bhajan Pura) on every second and fourth Wednesday of the calendar month at 10:30 AM. The petitioner shall not contact the complainant or the family members of the deceased or try to influence any witness in any manner.

14. The petition is allowed subject to the aforesaid terms and conditions.

15. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

DECEMBER 18, 2019

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