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

+ **BAIL APPLN. 2359/2019 & CRL.M.A. 36230/2019**

SHAHRUKH QURESHI Petitioner

Through: Mr M. Shamikh, Advocate.

versus

STATE Respondent

Through: Ms Meenakshi Chauhan, APP for
State with Insp. Kumar Santosh, PS
Bhajanpura.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **31.10.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that he be released on bail in FIR No.0634/2017 under Section 302/34 of the IPC and Section 25/27 of the Arms Act, 1959 registered with PS Bhajanpura, New Delhi.
2. The said incident relates to the alleged murder of one Arif Hussain. It is stated that the said FIR was registered at the instance of father of Arif Hussain. He had stated that Arif Hussain gone out of the house and after some time he had heard shots being fired. On opening of the gate of his house, Arif came in and fell down. He reported that he had saw two persons who had shot his son and both the said shooters, thereafter, ran away. According to the prosecution, the said two persons who had shot Arif Hussain are Tanvir @ Gattu and Anwar. The said persons had escaped on two motorcycles being ridden by two other persons. These persons who

extended help to them are Rashid @ Golu and Shabbo.

3. The petitioner was not directly involved in shooting. It is alleged that he was the part of the conspiracy to commit the said offence. The status report filed on behalf of the State indicates that one of the motorcycles used in the commissioning of the alleged offence was recovered from one of the accused (one Rizwan) and the other motorcycle was recovered at the instance of the petitioner. It is stated that two motorcycles were case property in FIR No.786/2017 registered with PS Loni Border, UP and FIR No.383/17 registered with PS Gokalpuri, Delhi.

4. The petitioner was arrested on 05.12.2017 and has been in custody since.

5. According to the prosecution, the petitioner had motive for committing the said offence. It is alleged that this was because the deceased was involved in a gang that had killed one Kamar in the year 2017. Shri Kamar was the real uncle of the petitioner.

6. It is stated that twenty-six witnesses are to be examined and out of them four witnesses have already been examined. Concededly, all the public witnesses have already been examined.

7. Considering the above facts and considering that the petitioner has been in custody for the past two years and all public witnesses have already been examined, this Court considers it apposite to allow the present petition.

8. The petitioner is directed to be released on bail 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. The petitioner shall also make himself available on all hearings before the Trial

Court.

9. In addition, the petitioner shall report to the concerned police station on every 2nd and 4th Monday of a calendar month at 10:30 AM. The petitioner shall also not contact the complainant or the family members of the deceased.

10. The petition is allowed in the aforesaid terms and subject to the compliance of the aforesaid conditions.

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

VIBHU BAKHRU, J

OCTOBER 31, 2019

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