

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Judgment delivered on: 09.12.2019

+ **BAIL APPLN. 2782/2019**

Walim

..... Petitioner

Through: Mr. Akhilesh Kr. Pandey,
Pankaj Kumar and Manoj
Kumar, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr. Tarang Srivastava,
APP for State.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J.(oral)

1. Vide this order I shall dispose of a bail application filed u/s. 439 CrPC by the petitioner **Walim** in FIR No. 765/2015 u/s. 302/307/324/392 IPC, P.S. Mahendra Park.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. It is submitted that in fact one Shan i.e. the son of the complainant has committed the murder of the deceased. Ld. Counsel has drawn the attention of the Court to the statement of PW-3 Smt. Hasina as well as PW-13 Sh. Mustkeen and submitted that these witnesses have not

supported the prosecution version. He has further submitted that petitioner is in judicial custody since 04.09.2015 i.e. more than four years. The knife i.e. the weapon of offence was sent to FSL after three months of filing the chargesheet. All material witnesses have already been examined and there is no chance to influence them. In these circumstances, it is prayed that petitioner be released on bail in the interest of justice.

3. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. He has drawn the attention of the Court to the statement of PW-3 Smt. Hasina as well as PW-7. He has, therefore prayed for dismissal of the bail application.

4. I have considered the rival submissions. I do not intend to analyze the evidence at the stage of bail but during the arguments Ld. Counsel for the petitioner has compelled me to go through the evidence. In the statement of PW-3 Smt. Hasina, it has clearly come on record that petitioner had taken out knife from dub of his waist and stabbed her son Mohd. Shan repeatedly. In the meanwhile, his mother Shamim Bano had come in between as a shield in order to save Mohd.

Shan and due to this she suffered a knife blow and fell down and died.

The petitioner had run away from the spot thereafter.

5. In view of above facts appearing on record and serious nature of offence, no grounds for grant of bail to the petitioner are made out at this stage. The bail application is, therefore, dismissed. However, it is made clear that observation made by this Court will not tantamount to expression of opinion on the merits of the case.

DECEMBER 09, 2019

Amit

BRIJESH SETHI, J

