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

+ **BAIL APPLN. 1621/2019 & CRL.M.(BAIL) 1163/2019**

FAHEEM AHMAD

..... Petitioner

Through: Ms Rashmi Chopra with Mr Asiya,
Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms Meenakshi Chauhan, APP for
State with Insp. Rajesh Johari and
ASI Jatan Swaroop, PS Krishna
Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.11.2019

1. The petitioner has filed the present petition, *inter alia*, praying that he be granted bail in connection with FIR No.377/2016 under Sections 302/395/396/397/412/120-B of the IPC and Sections 27/54/59 of the Arms Act, 1959 registered with PS Krishna Nagar. The said FIR related to an incident stated to have occurred on 02.07.2016. On that date, information had been received that the victim (Shri Rakesh Prasad) had been shot near Bhuteshwar Temple. The victim was brought to Dr Hedgewar Hospital and was declared dead.

2. The respondent has filed the status report, which indicates that during the course of investigation, the footage from the CCTV cameras in the locality were taken and it was seen that there were two boys travelling on a

motorcycle following the deceased (Rakesh Parasad) and another motorcycle was also following the deceased. One of the riders was talking to the pillion rider on the other motorcycle, regarding the movement of the deceased person.

3. It is stated that one of the witnesses had reported that he had heard the noise of firing of a weapon and had seen the deceased lying on the road near Bhuteshwar Temple. It is also stated that two boys were seen escaping from the spot on a motorcycle.

4. The wife of the deceased victim had deposed that the deceased was involved in the money transfer business.

5. Secret information was received and the accused, including the petitioner, were arrested. It is stated that on interrogation, the petitioner had disclosed the commission of the crime and names of his associates. It is also alleged that based on his disclosure, a sum of ₹50,000/- had also been recovered.

6. The status report indicates that the petitioner along with his co-accused had planned the execution of crime and he had insisted that other persons make a success of the plan. It also alleged that one of the co-accused had signalled to his associates and identified the deceased. The petitioner was also present on the spot. The petitioner had not participated by any proactive action in commission of the offence in the sense it is not alleged that the petitioner had identified the deceased or had fired the shots.

7. The petitioner has been in custody since 11.07.2016. It is stated that the prosecution intends to examine forty-six witness, out of which thirty witnesses have already been examined and the remaining witnesses are only official witnesses. Considering the alleged role of the petitioner and

considering that he has been in custody for over three years, this Court considers it apposite to allow the present petition.

8. The petitioner shall be released on bail on furnishing a personal bond in the sum of ₹25,000/- and two sureties of the equivalent amount to the satisfaction of the concerned trial court. The petitioner shall ensure that he shall not leave the National Capital Territory of Delhi. He shall also provide a mobile number to the concerned SHO and ensure that he is reachable on it at all times.

9. The petitioner shall report to the concerned SHO on every 2nd and 4th Monday of the calendar month at 10:30 AM, till a final decision is rendered in the case.

10. The petition is disposed of in the aforesaid terms. The pending application is also disposed of.

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

VIBHU BAKHRU, J

NOVEMBER 14, 2019
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