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

+ **BAIL APPLN. 2972/2018 and CrI. M.A. 49909/2018**

MOHD. SHAMSHAD ALAM Petitioner

Through: Mr. C.M. Thapliyal, Mr. S.P Paul and
Ms. Kiran Latapal, Advocates

versus

THE STATE (GOVT OF NCT OF DELHI) Respondent
Through: Mr. Amit Ahlawat, APP

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **09.01.2019**

Status report filed.

Role has been attributed to the petitioner in the case - FIR no.158/2018 of police station Sarita Vihar involving offences punishable under Sections 307, 34 IPC and Section 25 and 27 of Arms Act. The incident statedly occurred on 18.06.2018. As per the case of the prosecution – chargesheet having already been submitted – the petitioner owed money to the first informant and had made a contact with him asking him to come to certain place for collecting his dues. It is the case for the prosecution that the petitioner came to the said place accompanied, amongst others, by one Sarik, who was carrying a fire-arm (pistol) which was used to fire at the chest of the first informant injuring him in the

BAIL APPLN. 2972/2018

page 1 of 2

process, such acts having been committed after an altercation wherein the petitioner had refused to pay the money and Sarik had questioned as to how the first informant could demand the refund of money. Clearly, the presence of the petitioner at the said place with Sarik carrying a fire-arm gives rise to grave suspicion that the incident occurred with prior design.

From these facts and circumstances, it cannot be accepted *prima facie* that there is no role attributable to the petitioner. Given the gravity of the offences involved and the present stage of the proceedings, no case for release on bail is made out.

The bail application and the application filed therewith are dismissed.

R.K.GAUBA, J

JANUARY 09, 2019

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