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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 110/2020**

ANWAR QURESHI

..... Petitioner

Through: Mr.Prakash Priyadarshi, Advocate

versus

STATE

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for State
With Inspector Harkesh, PS Lahori
Gate

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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12.03.2020

The additional documents have been submitted on behalf of the petitioner pursuant to the proceedings dated 17.1.2020 which are the copies of testimonies recorded during the trial of witnesses. The status report has been submitted on behalf of the State, the applicant seeks grant of bail in relation to the allegations in relation to FIR No.426/17 PS Krishna Nagar, registered under Sections 302/120-B/34 of the Indian Penal Code, 1860 and 25/27/54/59 of the Arms Act.

It has been submitted on behalf of the applicant that he is incarcerated since 25.11.2017 and no useful purpose would be served by the continuation of the incarceration of the petitioner. It has also been submitted on behalf of the petitioner that there is no eye witness against the petitioner and the circumstantial evidence that has been collected by the Investigating Agency does not suffice to bring forth the allegations against the petitioner even remotely beyond the realm

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of suspicion, if any.

It has also been submitted on behalf of the petitioner whilst placing reliance on the testimony of PW2 examined in the instant case before the learned Trial Court to the effect that the said witness had even stated to the extent that he has not expressed any suspicion of involvement of any person on 25.10.2017 despite the factum that he is stated to be an alleged eye witness in relation to the identification of the co-accused Rehan @ Gullu and Faizan, the alleged shooter.

On behalf of the State, the prayer is vehemently opposed placing reliance on the status report as submitted as well as on the aspect of call details between the petitioner and two other co-accused Rehan and Mehraj between Rehan and the petitioner on 23.10.2017 and 19.10.2017 with date of the alleged commission of the offence in the instant case being 24.10.2017.

It has been submitted on behalf of the State that the alleged shooters in the instant case Rehan and Faizan had been instigated by the present petition and the petitioner herein was the main conspirator of the commission of the murder and assault on the brother of PW-2. It has also been submitted through the status report that the call details that have been placed on record connect the petitioner with the calls made with the co-accused in the instant case with Mobile Nos. used by the petitioner being 9311309887 and 9312410597.

On a consideration of the submissions that have been made on behalf of either side, as regards the contention that had been raised on behalf of the petitioner seeking parity on the ground that three co-accused in the instant case are already on bail vide order dated

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15.7.2019 in relation to Mohd.Raja @ Wasim in Bail Appln. No.1699/19, Ibrahim @ Abraham in Bail Appln. No. 1958/19 vide order dated 24.9.2019 as well as Mehraj Qureshi @ Ali in Bail Appln. 2639/2019 dated 27.11.2019, it is essential to observe to the effect that the allegations against the said persons are not on identical footing as that of the present petitioner in as much as the allegations against them relate to alleged disclosure statements of co-accused persons having been made against them.

In these circumstances, in the present case there is no ground for grant of bail. The application is dismissed.

ANU MALHOTRA, J

MARCH 12, 2020/SV

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