



\$~43

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

% *Order pronounced on 20.07.2022*

+ BAIL APPLN. 403/2022

MOHD IMAM @ IMAMUDDIN Petitioner
Through: Mr. Joginder Tuli adv, Ms. Joshini
Tuli & Mr. Shrikant Sharma, Advs.
versus

STATE NCT OF DELHI Respondent
Through: Ms. Meenakshi Chauhan, APP for
State.
Insp. Vikas Rana, Crime Branch,
sSunlight Colony.

CORAM:
HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. This is a second bail application of the accused/applicant.
 - 1.1 Earlier bail application was dismissed as withdrawn on 11.10.2021. Thereafter, the regular bail application of the petitioner was dismissed by the learned ASJ on 31.01.2022.
2. The petitioner is stated to be a 35 year old person, married and having three minor school going daughters. He was arrested in the present case on 19.03.2021 and is in continuous judicial custody since then.
3. Charge sheet stands filed on 17.05.2021 under Section 307/186/353/34 IPC and under Section 25/27 of the Arms Act. The case was at the stage of Misc./Appearance when the bail application was filed. It has been submitted that there are no public witnesses in the present case. It was the petitioner, who was injured in the present case and none of the police



officials were injured.

3.1 The petitioner was shot at by the police officials who are witnesses in the present case and he received four bullet injuries. Giving background of the matter, it has been submitted that the petitioner had filed a writ petition in 2016 for conducting vigilance enquiry against police officials of Nand Nagri and the Hon'ble High Court was pleased to direct on 24.01.2017 for transfer of the said police officials from PS Nand Nagri and enquiry was conducted against erring police officials.

3.2 On 24.02.2021, a complaint was filed by wife of the petitioner to the Police Commissioner stating that the petitioner was beaten up by the police officials from PS Nand Nagri and he had sustained head injuries and he was falsely implicated in case FIR No. 151/2021, registered at PS Nand Nagri.

3.3 Another complaint was made on 26.03.2021. The petitioner also made a complaint on 03.04.2021 and a writ petition no. 771/2021 was filed praying for vigilance enquiry against police officials of Special Cell, who had staged false encounter against the petitioner. The said petition was dismissed on 30.07.2021.

3.4 The petitioner is stated to be in custody only in the present case and he is on regular bail in two cases in which he was falsely implicated. The bail has been prayed on the ground that he is in continuous judicial custody since 19.03.2021. He had lodged a complaint and sought enquiries against the police officials, that is the reason why he has been falsely implicated in the present case.

3.5 The petitioner was kidnapped by police officials of Special Cell on 19.03.2021, and thereafter, the present case was registered. Prior to this, the petitioner was mercilessly beaten up by the police officials on 23.03.2021



and he sent a complaint to the higher officials. On this ground, the petitioner has prayed bail.

4. Notice was issued.

5. Status report has been filed, giving details of the FIR registered against the present petitioner.

5.1 It is alleged that on receipt of secret information, a trap was laid and on seeing the police officials, the petitioner tried to run away from the spot on a scooter but he was intercepted and the petitioner started abusing the police officials, started running from the spot and also started firing at the police officials, who returned the fire in self defence, in which the accused sustained gunshot injuries on his legs.

5.2 The petitioner was admitted to Trauma Centre, AIIMS for treatment, and thereafter, he was arrested. Investigation was transferred from Special Cell to Crime Branch, Delhi. No CCTV camera was found near the spot.

5.3 The applicant/accused is a notorious criminal of his area and his name is placed in the History Sheet of PS Nand Nagri. He was found involved in 26 cases previously. The accused had attacked and obstructed the police officials from performing their official duty.

5.4 Charge sheet stands filed and the case was committed to sessions.

5.5 The bail application has been dismissed twice by the learned ASJ and his earlier bail application was dismissed as withdrawn from this Court. There is no change in circumstance.

6. A Further Status Report was filed regarding the status of the previous involvements of the petitioner. It shows that from the year 2002 till the year 2021, the petitioner was involved in 26 cases, however, in most of the cases, he was acquitted or cancellation reports were filed or the cases were



compounded or he was discharged. Apart from the present case, the other pending cases are FIR No. 991/2015 under Section 380/457/411/34 IPC, registered at PS Jyoti Nagar which is a pending trial, FIR No. 913/2015 under Section 147/148/149/186/353/332/341/379/427/109/114 IPC and Section 3/4 of DPDP Act, PS Nand Nagri which is also pending investigation.

6.1 Two other FIRs bearing FIR No.033589/20 under Section 379 IPC registered at PS Hauz Qazi and FIR No.151/2021 under Section 186/353/332/34 IPC are also pending trial.

7. I have heard the arguments and gone through the file.

8. Filing of complaints by the present accused/applicant against the police officials, filing of a writ petition seeking enquiries against the police officials and the registration of FIRs against the present petitioner are all matters of record.

9. The charge sheet in the present case has been filed under Section 307/186/353/34 IPC and 25/27 Arms Act.

10. The accused/applicant is in custody since 19.03.2021 and more than 16 months have passed. He is a father of three minor girls, aged 15, 14 and 6 years.

11. Although, as per the Status Report, he is shown to be involved in 26 matters but the case of the petitioner is that apart from the present case, there are only two cases, which are pending against him, however, as per the said chart, apart from the present case, three cases have been shown as pending trial and two cases have been shown as pending investigation.

12. One fails to understand how cases of 2015 and 2018 are still pending investigation after passage of such a long time.



13. However, keeping in view the facts and circumstances of the case and especially the fact that charge sheet stands filed; the accused is no longer required for any further investigation; he has already been in judicial custody for about 16 months; he has three minor children to look after; the fact that in the incident in question, it was the accused who got injured and without commenting upon the merits of the case, I am inclined to admit the present accused on bail on execution of personal bond of Rs. 25,000/- with two sureties of the like amount, subject to the satisfaction of the concerned Court, subject to the following conditions:

- (i) He shall share his Mobile Number with the IO within three days of his release and he shall keep his mobile location on at all times.
- (ii) He shall not leave the jurisdiction of this Court without written permission from the learned Trial Court.
- (iii) He shall appear before the learned Trial Court on each and every date.
- (iv) He shall mark his presence before SHO, PS Nand Nagri between 10 and 11 a.m. on the 1st day and 16th day of every month.
- (v) He shall not try to contact or intimidate the witnesses in the present case.

14. The bail application is hereby allowed and disposed of.

TALWANT SINGH, J

JULY 20, 2022/pa

Click here to check corrigendum, if any