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

+ **BAIL APPLN. 149/2024**

MOHD FAIZAL

..... Petitioner

Through: **Mr. Faheem Alam, Advocate.**

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: **Mr. Laksh Khanna, APP for State
with SI Akshay PS Shaheem Bagh,
New Delhi.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.02.2024

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1. By way of present bail application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No. 293/2022 registered under Sections 307/34 IPC and 25/27/54/59 Arms Act at Police Station Shaheen Bagh, New Delhi.
2. Learned counsel for the applicant states that the applicant is in custody since 08.08.2022 and other co-accused have already been released on bail. He further states that the complainant has already been examined and he has not identified the applicant. It is further stated that two other witnesses namely Umardaraj and Mohd. Shakeel have also not supported the prosecution case. Lastly, it is stated that the applicant is not involved in any other case.
3. The bail is opposed by the learned APP for the State. It is stated that the instant FIR was registered on the complaint of the complainant wherein he has specifically stated the name of the present applicant along with other



co-accused persons. As per the allegations, it was the present applicant who had fired the gun shot which hit the complainant on his hand. The FSL report connects the empty cartridges with the pistol recovered from the present applicant. Learned APP, on instructions, state that the applicant is not involved in any other case.

4. Considering the totality of the facts and circumstances and the fact that the testimony of complainant has already been recorded and in his testimony, the complainant stated that the person who fired the shot is not present in the Court; the fact that the applicant is in custody since 08.08.2022 and the fact that material witnesses have already been examined and that he is not involved in any other case, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.



5. The bail application is disposed of in the above terms.
6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
7. Copy of the order be uploaded on the website forthwith.
8. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.
9. *Dasti.*

MANOJ KUMAR OHRI, J

FEBRUARY 12, 2024/rd