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

+ **BAIL APPLN. 416/2024**

**IMMAMUDDIN @ BABU KHATRI**

..... Petitioner

Through: Ms. Shikha Yadav and Mr. Manish  
Sahay, Advs.

versus

**STATE NCT OF DELHI**

..... Respondent

Through: Mr. Raghuinder Verma, APP for State  
with SI Kishanchand ASI Harbir  
Singh PS Bindapur

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

**07.03.2024**

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1. The present petition has been filed under Section 439 CrPC seeking regular bail in connection with FIR No.425/2023 under Sections 307/324/34 IPC and Section 25/27 Arms Act registered at Police Station Bindapur.
2. The present case was registered on the complaint of Raj Kumar wherein he alleged that on 17.07.2023 at about 09.00 P.M., he entered "Gym wala park" for a walk, where all the accused persons were sitting and consuming drugs. Suddenly, all of them picked him up and started beating. Accused Salman stabbed him 3-4 times and thereafter all of them fled away.
3. The learned counsel for the petitioner submits that the petitioner was not even present at the place of incident. Further, the petitioner is in custody since 05.10.2023 and no weapon has been recovered from the petitioner or at his instance.



4. She submits that in the status report the state has mentioned that one more case is registered against the present petitioner. According to the learned counsel, the said case is of the year 2008 and it has already been compounded.
5. She further states that the injury suffered in the present case by the complainant is simple in nature.
6. She, therefore, urges the Court to enlarge the petitioner on bail.
7. The learned APP for the State on the other hand has argued on the lines of the status report.
8. I have heard learned counsel for the petitioner as well as learned APP for the State and have perused the record.
9. On a query posed by the Court, the learned APP, on instructions from the IO, fairly states that the injury suffered by the complainant in the present case is simple in nature. He further fairly concedes that no recovery of weapon was made from the petitioner or at his instance.
10. The petitioner is in custody since 05.10.2023 and the investigation in the matter is complete, therefore, the custody of the petitioner is no more required.
11. The case is stated to be at the stage of framing of charges, therefore, the trial has not even commenced. Further, the prosecution has cited as many as 23 witnesses which means that conclusion of trial will take long time. In the given facts of the case the petitioner cannot be kept in custody for an indefinite period to await the outcome of trial.
12. It is also not the case of the prosecution as per the status report that the petitioner is a flight risk.
13. In view of the above, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is



enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
  - b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
  - c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
14. The petition stands disposed of.
  15. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.
  16. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
  17. Order *dasti* under signatures of the Court Master.
  18. Order be uploaded on the website of this Court.

**VIKAS MAHAJAN, J**

**MARCH 7, 2024/N.S. ASWAL**