



\$~5

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

+ **BAIL APPLN. 595/2024**

SALIM @ IMRAN

.....Petitioner

Through: Counsel for petitioner (appearance
not given)

versus

STATE (GOVT OF NCT, DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with Inspector Yogendra Kumar, PS
Punjabi Bagh.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

07.08.2024

%

1. The Bail Application under Section 439 of the Code of Criminal Procedure, 1973, has been filed on behalf of the petitioner/accused, Salim @ Imran seeking grant of Regular Bail in FIR No. 0389/2019 under Section 302/34 of the Indian Penal Code, 1860 and Section 25/27 of the Arms Act, registered at Police Station Punjabi Bagh, Delhi, on the ground that they have been falsely implicated in this case. The entire prosecution story is totally not believable. According to them, there was no eye witness found available on the spot. However, on the next date, the Statement of one Rahis, was recorded, who claimed to be an eye witness. The testimony of PW-2, who took the injured to the hospital, as well as, PW-4, Mr. Rahis has been recorded. Though, they have supported the case of the prosecution, but from the tone and tenor of their testimony, it is evident that the testimony is not natural. There are 36 prosecution witnesses to be examined. The material public witnesses already stand recorded. The others are the police witnesses



and there is no likelihood of influencing the witnesses or tampering with the evidence. The petitioner is in judicial custody for last four years and the trial is likely to take long. Hence, a prayer is made for grant of Regular Bail.

2. A Status Report has been filed. Learned APP for the State submits that the accused is a desperate criminal, who has adopted crime as a source of earning. He was hired by the co-accused and in furtherance of the common intention, the broad day light murder has been committed using a fire arm, which was a sophisticated weapon. The crime has been committed in a well-planned manner. There is likelihood of the accused jumping the bail and the same is opposed.

3. **Submissions heard.**

4. It is a broad day light murder using sophisticated weapon for which FIR under Section 302/34 of the Indian Penal Code, 1860 and Section 25/27 of the Arms Act, has been registered. Though, five public witnesses have been recorded but there are five more public witnesses who are yet to be recorded. According to the prosecution, PW-2 and PW-4, have supported the case of the prosecution, though according to the petitioner, their testimony is not natural.

5. Looking at the gravity of the offence and the testimony of two of the witnesses which according to the prosecution is unshaken, there is no case made out for grant of Regular Bail.

6. The Petition is hereby dismissed and disposed of accordingly.

NEENA BANSAL KRISHNA, J

AUGUST 7, 2024/RS