



\$~6

\*

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

+

BAIL APPLN. 813/2024

JAVED @ GULLU

.....Petitioner

Through: Mr. Rizwan Khan, Advocate *via*  
video-conferencing.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State.  
With I.O., P.S.: Sangam Vihar.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

**01.10.2024**

%

By way of the present petition under section 438 of the Code of Criminal Procedure 1973, the petitioner seeks anticipatory bail in case FIR No. 0155/2020 dated 28.02.2023 registered under sections 307/195A/427/506/34 of Indian Penal Code 1860 ('IPC') and sections 25/27 of the Arms Act, 1959 at P.S.: Sangam Vihar, Delhi.

2. Notice on this petition was issued on 05.03.2024, on which date the petitioner was granted an interim protective order against arrest, subject to him joining investigation.
3. Pursuant to notice being issued on the petition, status reports dated 'nil' has been filed on behalf of the State.
4. The court has heard Mr. Rizwan Khan, learned counsel appearing for the petitioner *via* video-conferencing; and Ms. Shubhi Gupta, learned APP appearing on behalf of the State.
5. Mr. Khan submits, that as recorded in order dated 05.03.2024, the only role ascribed to the present petitioner in the FIR is that he had



provided to the two co-accused persons a motorcycle, which was allegedly used in the commission of the offence.

6. Learned counsel points-out that the motorcycle, which has since been recovered, does not stand in the petitioner's name, but is registered in the name of his brother-in-law; and that there is no allegation that the petitioner was present at the spot when the offence was allegedly committed.
7. Ms. Shubhi Gupta, learned APP appearing for the State, on instructions of the Investigating Officer ('I.O.') who is present in court, submits that investigation in the matter is complete; that chargesheet dated 26.05.2023 has been filed against the co-accused persons; and that the I.O. proposes to file a supplementary chargesheet against the petitioner.
8. The I.O. however confirms that he does not require the petitioner's custodial interrogation; and also that in the past the petitioner has joined investigation as and when he was required.
9. In the above view of the matter, the present petition is allowed, thereby directing that in the event of his arrest, the petitioner - **Javed alias Gullu s/o Suresh Khan**- shall be released on bail by the Investigating Officer/Arresting Officer subject to the following conditions:
  - 9.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the Investigating Officer/Arresting Officer;
  - 9.2. The petitioner shall furnish to the Investigating Officer a



cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;

9.3. If the petitioner has a passport, he shall surrender the same to the Investigating Officer and shall not travel out of the country without prior permission of this court;

9.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

10. Nothing in this order shall be construed as an expression of opinion on the merits of the matter.

11. The petition stands disposed-of in the above terms.

12. Pending applications, if any, also stand disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**OCTOBER 1, 2024**

SS