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

+ BAIL APPLN. 2082/2024 & CRL.M.A. 18264/2024

ATAU REHMAN

.....Petitioner

Through: Mr. Asad Iqbal, Mr. Saad Ahmad,
Mr. Ufaq Hasan and Mr. Abuzar,
Adv.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the
State.
SI Shri Narayan, PS Hauz Qazi.

+ BAIL APPLN. 2084/2024 & CRL.M.A. 18267/2024

FAIZAN SHEIKH

.....Petitioner

Through: Mr. Asad Iqbal, Mr. Saad Ahmad,
Mr. Ufaq Hasan and Mr. Abuzar,
Adv.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the
State.
SI Shri Narayan, PS Hauz Qazi.

+ BAIL APPLN. 2085/2024 & CRL.M.A. 18272/2024

UZEF KHAN

.....Petitioner

Through: Mr. Asad Iqbal, Mr. Saad Ahmad,
Mr. Ufaq Hasan and Mr. Abuzar,
Adv.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the



State.

SI Shri Narayan, PS Hauz Qazi.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

03.07.2024

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1. The instant applications have been filed by the Petitioners under Section 439 Cr.P.C for grant of regular bail in FIR No.60/2024, registered at Police Station Hauz Qazi for the offence punishable under Sections 307/323/341/506/34/147/148/149 of IPC and Sections 25/27 of the Arms Act.

2. Material on record indicates that on 23.02.2024, a PCR call was received at Police Station Hauz Qazi stating that the brother of the caller was beaten up by 12-15 people and some gun shots have also been fired in air. Material on record indicates that on receipt of the PCR call, ASI Sanjeev Kumar along with Constable Chander Bhan reached the spot where the complainant Adnan Mirza was found in an injured condition. The injured Adnan Mirza was shifted to Lok Nayak Hospital. The statement of Adnan Mirza was recorded. In the statement, the complainant Adnan Mirza has stated that on 23.02.2024 at about 12:30 AM while he was at home, he received a call of his nephew i.e. grandson of his maternal uncle (Mama) namely Monish S/o Aadil Javed Khan R/o H. No. 5123, 5th Floor, Sharif Manzil, Ballimaran, Delhi also at H. No. P-28, Top Floor, Gali No. 17, Brahampuri, Garhi Mendu, North East, Delhi who asked the complainant to meet at Hamdard Clinic, Lal Kuan. In response, the complainant wanted to know the reason of said meeting on which Monish informed complainant that Monish wanted to have conversation. Accordingly, the complainant



went to Hamdard Clinic, Lal Kuan as per their telephonic conversation. The complainant further stated that Monish had quarrelled with him about 6-7 months ago near Jama Masjid. Having reached there, the complainant noticed that Monish along with his one of the associates came there on a Bullet M/Cycle. Thereafter, Monish asked his associate mentioned above to bring a cigarette for him. In the meantime, Monish stated that he was there to teach the complainant a lesson for the quarrel which took place about 6-7 months ago near Jama Masjid. At the same time, a car also stopped near the complainant and 2-3 other persons who were equipped with lathi and hockey sticks also reached there. All of the above said persons stopped the way of the complainant and attacked him with lathi and hockey sticks. In the said incident, the complainant sustained injuries. It is stated that not only this, one of the persons/associates namely Monish took out his pistol and fired at complainant. However the complainant somehow survived. Another round of firing was also done in the air. The complainant cried for help and due to the noise, all the above named persons escaped away using bullet M/Cycle and car. On the statement of the injured Adnan Mirza, the instant FIR has been registered.

3. Material on record indicates that co-accused Monish Javed Khan who is named in the FIR had approached this Court by filing Bail Application being BAIL APPLN. 1933/2024. A Co-ordinate Bench of this Court, after examining the material and recording that the injuries sustained by the complainant was simple in nature, *vide* Order dated 31.05.2024 has released the co-accused on regular bail.

4. In view of the above, this Court is of the opinion that the Petitioners are also entitled to regular bail on the ground of parity as it cannot be said



that the role of the Petitioners was anyway different from the co-accused. Accordingly, the Petitioners are granted regular bail subject to their furnishing a personal bond in the sum of Rs.20,000/- each with one surety each of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate and further subject to the following conditions:

- a. Petitioners shall appear before the Court as and when the matter is taken up for hearing.
 - b. Petitioners shall provide mobile number to the Investigating Officer (IO) concerned which shall be kept in working condition at all times and they shall not change the mobile number without prior intimation to the Investigating Officer concerned.
 - c. Petitioners shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
5. The applications are disposed of.
6. A copy of this Order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

SUBRAMONIUM PRASAD, J

JULY 03, 2024

S. Zakir