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

+ **BAIL APPLN. 2329/2024**

ABDUL SALMAN @ CHUNDHAPetitioner

Through: Mr. Ashu Kumar Sharma, Advocate

versus

STATE (NCT) OF DELHIRespondent

Through: Mr. Laksh Khanna, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

13.12.2024

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1. By way of present application, the applicant/petitioner seeks regular bail in FIR No.770/2023 registered under Sections 307/506/326/34 IPC at Police Station Welcome, Delhi.

2. Learned counsel for the applicant submits that the applicant has been in custody since 28.09.2023 and the co-accused namely *Laik* has already been released on regular by the Trial Court.

On merits, it is submitted that the prosecution has alleged that the incident occurred on 26.09.2023, when the complainant/injured *Salman Saifi*, was returning home from work and was given knife blows on the cheek near his left hear. He submits that *Salman Saifi* has been examined during the trial and has failed to identify the applicant. Similarly, *Mohd. Rizwan*, the complainant's brother, who had reached the spot and also sustained injuries, has not supported the case of the prosecution as he has also not identified the applicant. The third material witness namely *Saleem*,



who made the PCR call, has also not supported the prosecution's case. It is further submitted that no other material witnesses remain to be examined in the trial and the remaining witnesses are only formal in nature. A copy of the initialed testimony of the three witnesses has also been handed over and taken on record.

3. Learned APP for the State, on the other hand, has opposed the bail application. He contends that during the investigation the knife used in the incident was recovered at the instance of the present applicant. He, however on instructions, concedes to the fact that the knife recovered was not sent for FSL examination. Lastly, he submits that the applicant is involved in 8 other cases including one under the Arms Act.

4. At this stage, learned counsel for the applicant submits that the applicant stands acquitted in the aforesaid Arms Act case.

5. Considering that all the material witnesses stand examined and that they have neither identified the applicant as the assailant nor the weapon of offence allegedly seized at the instance of the present applicant, 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 J.M./Link J.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.

6. The bail application is disposed of in the above terms.

7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

8. Copy of the order be uploaded on the website forthwith.

9. 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.

MANOJ KUMAR OHRI, J

DECEMBER 13, 2024

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