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

+ BAIL APPLN. 3824/2023  
PARVEZ ALIAS SHARIF

..... Petitioner

Through: Mr. S.A. Khan, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Raghuinder Verma, APP for  
State.

**CORAM:**

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

**ORDER**

**30.01.2024**

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1. The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in connection with FIR No.612/2017 under Sections 302/201 IPC registered at Police Station Seelampur.
2. Notice was issued in the present matter on 10.11.2023 with a direction to the State to file its Status Report. A copy of the Status Report has been handed over in the Court, the same is taken on record.
3. The case of the prosecution is that all the accused persons consumed alcohol along with the deceased Athar Abbas @ Pappu. Subsequently, when Athar Abbas was fully intoxicated, Nadeem fired at his head from his pistol and to conceal the identity of the deceased, he was partly burned. After that the dead body of the deceased was kept in a plastic *katta* and accused Gulfam @ Khan Sahab and the present petitioner i.e., Parvez @ Sharif threw the dead body near Gautampuri *nala*.
4. The learned counsel for the petitioner submits that the prosecution has examined two public witnesses viz., wife of the deceased, who was examined as PW-2 and the brother-in-law of the deceased namely, Syed



Usman, who was examined as PW-5.

5. He submits that both these public witnesses have not supported the case of the prosecution and have turned hostile.

6. Additionally, it is submitted by the learned counsel that co-accused Nadeem, who is alleged to be mastermind of the entire incident has already been enlarged on bail by a Coordinate Bench of this Court *vide* order dated 26.11.2019 in BAIL APPLN.2208/2019.

7. He further submits that other co-accused namely, Sobi Khan @ Raja has also been enlarged on bail by this Court *vide* order dated 03.02.2020 passed in BAIL APPLN.3199/2019. Likewise, third co-accused Khalid was enlarged on regular bail by the learned Additional Sessions Judge-03, North-East, Karkardooma Courts, *vide* order dated 01.02.2020.

8. He submits that the only allegation against the present petitioner is that he was seen by a Police official along with Gulfam holding the dead body of the deceased in a plastic *katta* while they were riding a scooty.

9. He submits that there is no dispute that on the body of the deceased only one bullet injury was found and the same is attributed to the co-accused Nadeem.

10. Referring to the nominal roll, he submits that the petitioner has already spent 04 years, 05 months and 09 days in custody as on 27.01.2024 and he has clean antecedents. Accordingly, he urges that the petitioner be enlarged on bail.

11. *Per contra*, the learned APP for the State has argued on the lines of the Status Report.

12. He submits that the petitioner has actively participated in the offence and is involved in the commission of crime. Additionally, it is contended by



the learned APP for the State that CDRs of the present petitioner have been obtained and his location was found of the area where the offence allegedly took place.

13. He further submits that the petitioner has disposed of the dead body of the deceased by throwing the same in the *nala* at Gautampuri along with other co-accused Gulfam on the scooty after keeping the same in plastic *katta*.

14. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and have perused the record.

15. It is not in dispute that the two public witnesses, who are the close relatives of deceased have turned hostile, in as much as, they did not support the case of the prosecution.

16. Further, it is also a matter of record that the co-accused Nadeem, who is alleged to be the mastermind as per the case of the prosecution and to whom the gunshot injury suffered by the deceased has been attributed, has already been enlarged on bail by a Co-ordinate Bench by this Court *vide* order dated 26.11.2019 passed in BAIL APPLN. 2208/2019. It is also a matter of record that two other co-accused, have also been granted bail.

17. In so far as the present petitioner is concerned, the only allegation appears to be that he had participated in dumping the dead body of the deceased in *nala* along with co-accused Gulfam, but no overt act has been attributed to the present petitioner in so far as the causing death of the deceased is concerned.

18. On a query posed by the Court, the learned APP, on instructions from the I.O, who is present in Court, fairly states that the petitioner does not have any criminal record.



19. It is also not in dispute that when the petitioner was enlarged on interim bail pursuant to the recommendations of the HPC guidelines, he did not misuse the liberty so granted to him, therefore, the petitioner does not appears to be a flight risk. Further, public witnesses have already been examined, therefore, the question of petitioner influencing the public witnesses in the event he is enlarged on bail does not arise.

20. Considering the aforesaid circumstances in entirety, 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. 15,000/- 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 not leave the Delhi without prior permission of the Court.
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- c) 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.
- d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

21. The petition stands disposed of.

22. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.



23. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
24. Order *dasti* under signatures of the Court Master.
25. Order be uploaded on the website of this Court.

**VIKAS MAHAJAN, J**

**JANUARY 30, 2024/dss**