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

+ **BAIL APPLN. 2961/2024**

MEHRAN

.....Petitioner

Through: Mr.Bipin Kumar Jha, Advocate

versus

STATE (GOVT. OF NCT DELHI)

.....Respondent

Through: Ms.Richa Dhawan, APP for the State

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

26.09.2024

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1. The instant bail application under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C.”) has been filed on behalf of the applicant/accused seeking grant of regular bail in FIR bearing No. 67/2024 registered at Police Station Jafrabad, Delhi, for offences punishable under Sections 380/457/397/394/411/34 of the Indian Penal Code, 1860 (hereinafter “IPC”) read with Section 25/27 of the Arms Act, 1959.

2. The brief of facts of the case are that on 27th January, 2024, at about 7 PM, the complainant alongwith his family i.e., his two brothers, two sisters and mother were present on the 5th floor of his house i.e., H. No. C-194, Gali No. 4, behind Pooja Public School Chauhan Bangar, Delhi, after locking the 4th floor.

3. Later sometime, the complainant's sister namely Ms. Saba, went down to the 4th floor to fetch some milk in order to prepare tea. However, within two minutes of her leaving, the complainant, upon on hearing her



screams, went down to the 4th floor, when he was told by his sister that 3-4 persons entered their house on 4th floor and the lock on the door was found to be broken. She further told the complainant that one of the accused fled away from the incident while the other three are still inside the house. She stated that upon seeing her, one accused started throwing steel objects towards her, when a sharp rod hit her leg, and then she closed the door, and started shouting for help.

4. Thereafter, the complainant and his family members gathered and upon seeing blood oozing out from Ms. Saba's leg, the complainant called the neighbors, his friend, Mr. Suhaib, and his uncle, Mr. Akram (chacha) to reach the 4th floor.

5. One of the accused, who was inside the house, broke the glass window above the door with the help of his pistol (*katta*) and pointed the same towards the complainant. The complainant swiftly caught hold of his hand from the said window and gave him a blow due to which the *katta* was dropped from his hand and the same was picked up by the complainant.

6. Subsequently, the complainant and his uncles opened the door and all three accused started fleeing from the house, however, they were apprehended by the complainant and other persons. Thereafter, the complainant called the police *via* emergency number 112 and the three accused and their *katta* were handed over to the police.

7. The complainant further informed the police about the missing items of two gold rings, one gold necklace with red cloth, one *nathni*, one mobile phone of "Oppo" which is in golden colour, and some cash from the *almirah*.

8. Upon searching, one gold necklace with red cloth and one *nathni*



were recovered from the possession of one Mr. Mehran and further a sum of Rs. 5,000/- was found to be in the possession of one Mr. Kamruddin @ Shehjan.

9. Upon enquiry, the fourth accused, who managed to flee away from the incident was disclosed as one Mr. Wasim. Thereafter, the aforesaid FIR was registered against the accused-applicant. During the course of investigation, all the accused persons were arrested in the present case and upon completion of the investigation by the police, chargesheet was filed before the learned Trial Court.

10. Learned counsel appearing on behalf of the applicant/accused submitted that the applicant has been falsely implicated in the instant case. It is submitted that the applicant is in judicial custody since 27th January, 2024. It is further submitted that the applicant is an innocent person and a law abiding citizen. On instructions, learned counsel appearing on behalf of the applicant undertakes that the applicant shall abide by any condition imposed by this Court while granting bail. The applicant is the permanent resident of Delhi and there are no criminal antecedents of the applicant. The investigation in the present case has been completed and chargesheet has already been filed. Hence, it is prayed that the applicant may be released on bail.

11. *Per Contra*, Ms. Richa Dhawan, learned APP for the State vehemently opposed the bail application and submitted that the present applicant is involved in a serious crime, therefore, he is not entitled to the concession of bail and if released on the bail, he may threaten the complainant, influence the trial and may not adhere to the bail conditions therewith. It is further submitted that the offences alleged in the present case are stated to have



been committed by all the accused persons in furtherance of their common intention by using country made pistol. Furthermore, it is submitted that no prosecution witnesses have been examined yet. However, it is fairly conceded by learned APP for the State that there is no previous criminal history of the applicant and that the investigation has been completed and chargesheet has been filed.

12. Heard learned counsel for the parties and perused the record.

13. This Court has perused the contentions made in the application, status report as well as the FIR. It is observed that there is no previous criminal history of the applicant/accused and after completion of investigation, the chargesheet has been filed before the learned Trial Court.

14. Keeping in view the contentions and the arguments advanced by the learned counsel for the parties, the clean antecedents of the applicant and the period for which he has already been in jail, this Court is inclined to allow the instant application seeking regular bail. It is, accordingly, directed that the applicant be released on bail on his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties of like amount to the satisfaction of the Jail Superintendent/Trial Court subject to the conditions as follows:-

- (a) he shall under no circumstances leave India without prior permission of the learned Trial Court;
- (b) he shall appear before the learned Trial Court as and when required;
- (c) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (d) he shall provide his mobile number(s) before Investigating Officer and keep it operational at all times;



- (e) he shall commit no offence whatsoever during the period he is on bail;
 - (f) in case of change of residential address and/or mobile number, the same shall be intimated to the learned Trial Court by way of an affidavit; and
 - (g) he shall report to the jurisdictional Police Station of Jafrabad, Delhi on 15th day of every calendar month.
8. Accordingly, the instant bail application stands disposed of.
9. Copy of this order be sent to Jail Superintendent for compliance.
10. It is made clear that any observations touching merits of the case are purely for the purpose of deciding the question of grant of bail by this Court and shall not be construed as an expression of final observation in the proceedings pending before learned Trial Court.

CHANDRA DHARI SINGH, J

SEPTEMBER 26, 2024

Dy/mk

[Click here to check corrigendum, if any](#)