



\$~84

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2998/2024**
SHAHRUKH KHANPetitioner
Through: Mr. Mirza Rizwan Baig and
Ms. Sophiya Salim, Advs.

versus

THE STATE OF NCT OF DELHIRespondent
Through: Mr. Aman Usman, APP with Insp.
Vipin Kumar, PS: V. K. South.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

%

23.08.2024

CRL.M.A. 25128/2024 & 25129/2024

Exemptions allowed, subject to just exceptions.

Applications stand disposed of.

BAIL APPLN. 2998/2024

1. An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 0282/2018, under Sections 307/34 IPC, registered at PS: Vasant Kunj South. Section 302 IPC was subsequently invoked.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. Brief facts, as noticed in BAIL APPLN. 1152/2024 vide order dated 24.07.2024 may be briefly reproduced for reference :

"2. In brief, as the case of the prosecution, FIR was registered on the complaint of Suhel Khan, who alleged that on 14.06.2018, one Waseem Khan and his sons Amir Khan, Kasim @ Kareem Khan and Sharukh Khan were filling debris in the pit which was



objected to by Danish (since deceased), as the same would have caused water-logging. Thereupon accused Waseem Khan exhorted his sons to bring knife and kill them. Accordingly, Amir Khan and Kasim @ Kareem Khan brought knives from their house. Further, Suhel Khan (complainant) was held by accused Sharukh Khan while accused Kasim @ Kareem Khan attacked on his chest with knife, but complainant managed to escape sustaining injuries on his hand. He further alleged that Danish was held by accused Waseem Khan, while fatal stab injury was inflicted on chest by Amir Khan.”

4. Learned counsel for the petitioner submits that role of petitioner in respect of injuries sustained by Suhel Khan is on a lower pedestal than co-accused Kasim @ Kareem Khan, who has been admitted to bail by this Court. He further submits that petitioner had absolutely no role in injuries inflicted to deceased Danish. Further, the weapon of offence allegedly used for inflicting injuries to Suhel Khan was not recovered who had suffered merely an abrasion on his hand.

5. On the other hand, application is vehemently opposed by the learned APP for the State. He submits that apart from charge framed under Section 307 IPC for inflicting injury on person of complainant Suhel Khan, the charge has also been framed under Section 302 IPC, since injuries to Danish were inflicted in furtherance of common intention by accused Waseem Khan and Amir Khan.

However, he admits that so far as complainant Suhel Khan is concerned, only an abrasion was suffered by him, as reflected in MLC. It is also pointed out that all accused belong to same family.

6. The case of petitioner is at parity with the co-accused Kasim @ Kareem Khan who has been admitted to bail. Considering the facts and circumstances,



petitioner Shahrukh Khan is admitted to bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned on release;
- (ii) Petitioner shall not threaten or influence the witnesses in any manner;
- (iii) Petitioner shall not leave the NCT of Delhi without the prior permission of the learned Trial Court.

Application is accordingly disposed of.

A copy of this order be forwarded to the Superintendent Jail and learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 23, 2024/R