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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 3111/2024 CRL.M.A. 26081/2024 CRL.M.A.
26082/2024
MOHD ABID JAMALIPetitioner

Through: Mr. Vikas Pahwa, Sr. Adv. with Mr.
Rohan Wadhwa, Mr. Abdul Wahab,
MR. Arun Khanna and Ms. Sanskriti
Gupta, Advs.

versus

STATE OF N.C.T. OF DELHIRespondent
Through: Mr. Amit Ahlawat, APP for the State
with SI Nasir Hussain, PS Jamia
Nagar.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

17.09.2024

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1. This petition has been filed seeking regular bail in FIR No.231/2024 PS Jamia Nagar under Sections 323/341/307/427/34 IPC and Sections 25/27 of the Arms Act. The petitioner has been in custody for about 2 years 1 month.
2. The case of the prosecution rests on the incident which had occurred on 21st June, 2024 at around 5:00 P.M. when the complainant Mr. Shahne Alam stated that pursuant to arguments relating to a RO plant, the petitioner/accused along with his brother Asif Jamali, Sajid Jamali and other boys came to their plant and started fighting. Later, they came to their plant with bricks and pistols in their hand and they started they started vandalizing the RO plant. Some injuries had resulted in the scuffle.
3. A cross-FIR No.232/2024 was filed by the petitioner and other co-accused against the complainants and other connected person.



4. Subsequently, a settlement has been arrived at between the parties dated 01st July, 2024 between the three accused in FIR No.231/2024 and three accused in FIR No.232/2024 stating that they have resolved their disputes and will take steps for quashing of the FIRs registered.

5. In the meantime, bail has been granted to two co-accused along with the petitioner in FIR No.231/2024, namely, Asif Jamali and Mohd. Sajid Jamali by the ASJ, and to the three accused in FIR No.232/2024 (complainants in this FIR), namely, Mohd. Irfan, Shahzan and Shahne Alam.

6. The aspect of the settlement which has also been taken on record by the Trial Court in order dated 07th September, 2024 and 10th September, 2024 relating to Shahne Alam and Shahzan.

7. The APP for the State states on instructions that the charge-sheet is about to be filed.

8. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.



- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Petitioner shall join investigation as and when called by the IO concerned.
 - v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
9. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
10. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
11. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
12. *Dasti.*
13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 17, 2024/MK