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

+ **BAIL APPLN. 4325/2023**

MOHD JAVED

..... Petitioner

Through: Mr. Sagar Hajelay, Mr. Anas Kamal
and Mr. Mohit Kashyap, Advocates

versus

STATE

..... Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Rakesh Kumar, P.S. Swaroop
Nagar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

07.02.2024

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1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been filed on behalf of petitioner seeking grant of regular bail in case FIR bearing no. 531/2023, registered at Police Station Swaroop Nagar, Delhi for offences punishable under Sections 307/186/353/427/34 of Indian Penal Code, 1860 ('IPC') & 25/27 Arms Act.
2. Briefly stated, facts of the present case are that on the night of 06.08.023, a secret information regarding a cow slaughter gang was received. Thereafter, a team was formed and a trap was laid near Gali No. 04-05, A-B block, Swaroop Vihar. While the police officers were inquiring, a black Scorpio car bearing no HR 2022***101 came from Swaroop Vihar auto stand in high speed, and hit the electricity poll. Thereafter, some persons came out from the car, and attempted to flee from the spot. One of



the persons, who was later identified as Salman, had fired shot at the police officials, and was caught carrying a pistol. During the course of investigation, accused Salman had disclosed that he committed the offence with the help of co-accused persons Chotu, Jakir, Shakir and the present applicant/accused Javed. The present applicant/accused was arrested on 12.08.2023. The chargesheet in the present case has been filed.

3. The learned counsel for the accused/applicant argues that the applicant has been in judicial custody since 12.08.2023, and he was arrested solely on the basis of the disclosure statement of co-accused Salman. It is stated that the chargesheet has already been filed, and co-accused persons are absconding, and no purpose will be served by keeping the applicant behind bars. It is further argued that applicant was not present at the spot of incident when the alleged offence was committed, and call detail records were not collected by the investigating agency. Therefore, it is prayed that applicant be granted bail.

4. Learned APP for the State, on the other hand, argues that allegations against the applicant/accused are of serious and grave in nature. The learned APP for the State draws the attention of this Court to the prior involvement of the accused/applicant in similar offences. It is also argued that the present applicant/accused has been arrested on the disclosure of the main accused, Salman. It is argued that the other co-accused are still at large. Thus, the bail of the present applicant/accused be dismissed.

5. This Court has heard arguments addressed by learned counsel for the applicant as well as learned APP for the State and has perused material on record.

6. This Court notes that the present applicant/accused was arrested only



on the basis of disclosure of the co-accused Salman, and had not been apprehended on the spot. It is also noted that no material recovery has been effected from the present applicant/accused. The applicant has been in Judicial Custody since 12.08.2023, and the chargesheet in the present case has already been filed.

7. Considering the overall facts and circumstances of the case and the period of custody undergone by him, this Court is inclined to grant regular bail to accused/applicant on his furnishing personal bond in the sum of Rs. 20,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms & conditions:

- i) The applicant shall provide his phone number and residential details to the concerned Trial Court as well as to the IO/SHO.
- ii) The applicant shall not leave the country without prior permission of the concerned Court.
- iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- iv) In case of change of residential address/contact details and phone number, the applicant shall promptly inform the same to the concerned Court.

8. Accordingly, the present application stands disposed of.

9. The order be uploaded on the website forthwith.

FEBRUARY 7, 2024/zp

SWARANA KANTA SHARMA, J

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