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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3194/2024**

ALTAF

.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate
(Through VC)

versus

THE STATE (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Aashneet Singh, APP for State
along with Inspector Harkesh Meena
and SI Subhash Chandra P.S.
Mahindra Park.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.10.2024

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1. By way of present bail application, the applicant seeks regular bail in FIR No. 957/2023 registered under Sections 307/34 IPC & Sections 25/27 Arms Act, at Police Station Mahendra Park, Delhi.
2. Learned counsel for the applicant submits that though the prosecution has alleged that the applicant along with the co-accused was present at the spot of the incident, it was the co-accused, namely *Shohab* who had fired at the complainant. He further submits that even the allegations against the applicant of holding a gun are belied by the CCTV footage as well as the fact that no recovery has been effected at the instance of the present applicant. Further, it is submitted that the applicant is not involved in any other case.
3. Learned APP for the State vehemently opposes the bail application by



submitting that as per the allegations in the FIR, the applicant along with co-accused had reached the spot of the incident on a motorcycle. While the complainant has alleged that all the accused persons were holding a gun in their hands, it was the co-accused *Shohab* who had fired a gun shot at the complainant and the bullet hit the complainant's hand. It is further submitted that the matter is pending at the stage of framing of charges. However, learned APP, on instructions, submits that the applicant is not involved in any other case.

4. During the course of the submissions, it has been further pointed out by the learned APP that though the applicant is seen in the CCTV footage, him holding a gun is not borne out from the same.

5. Considering the totality of the facts and circumstances, including the fact that the applicant is in custody since 30.09.2023, it is directed that the applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch



with the complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

6. The bail application is disposed of in the above terms.
7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
8. Copy of the order be uploaded on the website forthwith.
9. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

OCTOBER 08, 2024/ssc