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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 73/2024**
WASEEM @ PRADHAN

..... Petitioner

Through: Mr.Aees Ahamad, Mr.Miskin
Khan & Mr.Naiem Ahmed,
Advs.

versus

THE STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr.Shoaib Haider, APP along
with SI Akshay, PS Shaheen
Bagh.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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05.03.2024

1. This application has been filed under Section 438 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking Anticipatory Bail in FIR No. 0335/2023 registered at Police Station: Shaheen Bagh, South-East, Delhi under Sections 25/54/59 of the Arms Act, 1959.
2. It is the case of the prosecution that on 26.09.2023, while Constable Rajesh was on patrolling duty in the area of Police Station, Shaheen Bagh along with other officers, they noticed that three persons with one Creta car were suspiciously present near the Brezza car and were trying to open the car. On seeing the police approaching, these persons left in the Creta car and escaped, though the police chased the car. After sometime, the same car was again noticed near the Riverview Hotel, attempting to unlock the same Brezza car. This



time, when the persons tried to escape, the Creta car hit a divider and as a result, the car got damaged. The three occupants/accused persons started to run on foot. The Police was able to nab one of them, namely, Waseem @ Langda with a desi *katta* along with two live cartridges. From the Creta car, tools required for stealing the vehicle were recovered. In the course of the investigation, accused Waseem @ Langda is alleged to have disclosed that he along with the other accused persons were committing vehicle theft for a period of 6-7 months prior to the incident. He further deposed that the desi *katta* recovered from his possession was provided by the applicant, who is a resident of his village. Based on such disclosure, the present FIR has been filed against the applicant.

3. The learned counsel for the applicant submits that, apart from the alleged disclosure statement of Waseem @ Langda, there is no other material with the prosecution to implicate the applicant. He submits that Waseem @ Langda has disclosed the name of the applicant to falsely implicate him in the case only because of some political rivalry between them. He submits that Waseem @ Langda has already been granted bail vide order dated 22.11.2023 . He further submits that pursuant to the *interim* Order dated 15.01.2024 of this Court, the applicant has joined the investigation.

4. On the other hand, the learned APP submits that the custodial interrogation of the applicant is required for determining the source of the countrymade pistol that was recovered from the co-accused. He submits that though the applicant has joined the investigation, he has not cooperated and has not disclosed anything relating to the present



case.

5. I have considered the submissions made.

6. Keeping in view the fact that the case against the applicant is based only on the alleged disclosure statement made by Waseem @ Langda, who has already been enlarged on bail vide order dated 22.11.2023, and the fact that pursuant to the Order dated 15.01.2024 of this Court, the applicant has indeed appeared before the Police, though has not given any confessional statement, which the Police claims to be non-cooperation, in my opinion, the applicant has been able to make out a case of being granted anticipatory bail.

7. Keeping in view the totality of circumstances, it is directed that in the event of arrest in the FIR No. 0335/2023 registered at Police Station: Shaheen Bagh, South-East, Delhi under Sections 25/54/59 of the Arms Act, the applicant shall be released on bail subject to furnishing a personal bond in the sum of Rs.50,000/- with one local surety of the like amount to the satisfaction of the IO/Arresting Officer/SHO concerned, and further subject to the following conditions:

- (i) that the Applicant will join the investigation, as and when directed, in writing;
- (ii) that the Applicant shall not leave NCT of Delhi without intimating the IO/SHO concerned;
- (iii) that the Applicant shall not, directly or indirectly, try to contact/influence the complainant/victim or any other witness(s) or tamper with evidence of the case;
- (iv) that the Applicant shall furnish his mobile



phone/landline number and residential address to the IO/SHO concerned, and in the event of any change of the same, will immediately inform the same to the IO/SHO; and,

(v) that the Applicant shall not indulge in any criminal activity.

8. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of Anticipatory Bail and shall not be construed as an expression on the merits of the matter.

9. The Bail Application is disposed of in the above terms.

NAVIN CHAWLA, J

MARCH 5, 2024/rv/rp

Click here to check corrigendum, if any