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

+ **BAIL APPLN. 4211/2024**

MOHD UMAR QURESHI

.....Applicant

Through: **Mr. R.P.S. Bhatti,**
Advocate.

versus

THE STATE (GOVT OF NCT OF DELHI)

& ANR.

.....Respondents

Through: **Mr. Naresh Kumar**
Chahar, APP for the State.
SI Sanjay Bansal (P.S.
Bhajanpura).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

19.12.2024

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1. The present application is filed seeking regular bail in FIR No.307/2024 dated 07.05.2024, registered at police station Bhajanpura, for offence under Sections 324/34 of the Indian Penal Code, 1860 ('IPC'). The chargesheet has been filed against the applicant for offences under sections 307/34 of IPC and 27 of the Arms Act, 1959.

2. The FIR was registered on a statement made by the complainant alleging that on 06.05.2024, at about 9:30 PM, when he was standing on the road near his house, a scooter approached him. It is alleged that three people were seated on the scooty and one of the pillon riders attacked the complainant with a sharp object below his chest.

3. During investigation it was found that the applicant was riding the scooty, co-accused Iqra was seated behind him and co-

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accused Anas, who gave the blow to the complainant, was sitting at the back.

4. The MLC report indicates that the nature of injury suffered by the complainant is simple in nature.

5. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present FIR. He submits that it is clearly stated in the FIR that the complainant was unable to see the assailants clearly.

6. *Per contra*, the learned Additional Public Prosecutor opposes the grant of any relief to the applicant. He further submits that the complainant has identified the applicant as one of the assailants.

7. I have heard the counsel and perused the record.

8. It is not the case of the prosecution that there was any prior acrimony or motive which led to the accused persons causing the injury to the complainant.

9. Even otherwise, as per the case of the prosecution, the applicant was the person riding the vehicle and the injury was not caused by him.

10. The applicant is in custody since 17.05.2024 and the chargesheet has already been filed. In the opinion of this Court, no purpose would be served by keeping the applicant further in incarceration.

11. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any



person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

12. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

13. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

14. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

DECEMBER 19, 2024

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