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

+ **BAIL APPLN. 795/2025**

SHAKIR

.....Petitioner

Through: Mr. Aseem Bhardwaj, Mr. K.K. Vijay, Mr. Gaurav Kumar, Ms. Sunidhi Gupta, Ms. Nikita Vijay and Mr. Aayush Gupta, Advocates

versus

THE STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for the State with SI Mahendra Koli, P.S. Bhalswa Dairy

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

17.04.2025

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1. By way of the instant application, the applicant seeks grant of regular bail in case arising out of FIR bearing No. 0526/2025, registered at Police Station Bhalswa Dairy, Delhi for the offence punishable under Sections 109(1)/3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 25/27 of the Arms Act, 1959.
2. Briefly stated, the facts of the present case are that on 10.07.2024, PCR calls *vide* DD Nos.125, 126A, 127A, 129A, 130A, 133A and 134A were received at Police Station Bhalswa Dairy, Delhi, regarding a quarrel that had taken place near Yoyo Hotel, 101 Bus Stand, Bhalswa Dairy, Delhi. After receiving the above PCR Calls, a police official had reached at BJRM



Hospital where he had collected (1) MLC No. 255732/24 of Sheikh Halim S/o Sheikh Matlab (2) MLC No. 255741/24 of Shan S/o Riyasat Ali. Both the injured had been shifted to LNJP Hospital for further treatment, where the doctor had handed over sealed samples of the exhibits and clothes of both the injured persons to the police official. Thereafter, the police official had reached the place of incident i.e. near Yoyo Hotel, 101 Bus stand, Bhalswa Daily and on inspection, an empty cartridge had been recovered from the spot. Thereafter, the police official had recorded statement of injured Shan Mohammad @ Shanu at LNJP Hospital, wherein he had disclosed that on 10.07.2024, while he was going to his home by e-rickshaw at about 10:00 PM, he had reached near Yoyo Hotel, where some persons had been fighting with each other. He had de-boarded from the e-rickshaw and in the meantime, gun-shot firing had started due to which he had run towards Mangal Bazar Road. Subsequently, a person had shouted "*TONI BHA I YE BHI DEEPAK PASSION KA SATHI HAI, GOLI CHALAAO*" and the person namely Tony, accused, had started firing gun-shots towards him. Thereafter, the accused Tony and two others persons had assaulted him with a stick and steel pipe. Thereafter, on hearing the siren of police vehicle, all the accused persons had run from the spot. On the basis of the statement of injured Shan Mohammad, the present FIR was registered on 11.07.2024 and investigation was carried out.

3. The learned counsel appearing for the applicant argues that the present accused/applicant has been falsely implicated in the case. It is argued that neither any role has been attributed to the present applicant/accused nor he has been named in the present FIR. It is further stated that no recovery has been affected from the applicant/accused and that



he has no criminal antecedents. Moreover, it is stated that the present accused/applicant has been in judicial custody for the last nine months and no useful purpose will be served by his further incarceration. It is, therefore, prayed that the applicant be released on regular bail.

4. The learned APP for the State, on the other hand, opposes the present bail application and argues that the allegations against the applicant herein/accused are serious in nature, and the role assigned to the present applicant/accused is of instigating the co-accused persons. It further argued that the present applicant may extend threats to the witnesses, if released on bail.

5. This Court has heard arguments addressed by both the parties and has perused the material on record.

6. This Court notes that the applicant herein is a young boy, aged about 18 years, and has been in judicial custody for about nine months. The MLC report of the victims regarding nature of injury is still awaited. As per the Status Report, the role of the present applicant in commission of crime is only of instigating the main accused persons. There are no criminal antecedents of the applicant herein.

7. Considering the overall facts and circumstance of the case, and the fact that the MLC report of the victims is still awaited and the role of the present applicant in commission of crime is limited, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i. The applicant shall not directly or indirectly contact the



victim or his family members and not to make an attempt to influence the witnesses, or tamper with the evidence in any manner.

- ii. The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
 - iii. In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
 - iv. The applicant shall appear regularly before the learned Trial Court.
8. Accordingly, the present bail application stands allowed and is disposed of.
9. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
10. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 17, 2025/ns

Click here to check corrigendum, if any