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

+ **BAIL APPLN. 896/2025**

**SALMAAN**

.....Petitioner

Through: Ms. Nusrat Hossain, Mr. Dheeraj  
Kumar and Mr. Naved, Advocates

versus

**STATE (NCT OF DELHI)**

.....Respondent

Through: Ms. Priyanka Dalal, APP for the  
State.  
Insp. Shyoram, SHO Delhi Cantt  
Insp. Kapil Khokhar, PS: Kamla  
Market and SI Virender, PS: Kamla  
Market

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

**21.05.2025**

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 439 of Cr.P.C) seeks regular bail in case FIR No. 241/2020 under Sections 302/307/394/397/411/120-B/34 IPC & Section 25 of the Arms Act, 1959 registered at P.S. Kamla Market.
3. The case of the prosecution as per the status report dated 27.03.2025, authored by the SHO, P.S. Kamla Market is as under:-

“Most respectfully it is submitted that the above said case bearing FIR No. 241/2020 was registered on 05/10/2020 on the statement of complainant Sh. Anirudh Kumar Yadav who stated that on 04.10.2020. He called his friend Aman to go to his maternal uncle at Karaval Nagar, Delhi. Aman told him to meet him at ITO flyover Complainant along with his friend Raju reached at ITO Flyover and after some time Aman also



came there along with his friend Hariom. At ITO Aman told the complainant that he wanted to Smoke and in search of cigarettes the complainant along with Amar and other two friends reached at G.B. Road. At G.B road the complainant went out to pee on the side of road and Aman went to buy cigarette. Suddenly, the complainant heard Aman shouting that his mobile phone has been snatched. Complainant saw that Aman was chasing that snatcher, thereafter Aman grabbed the snatcher and slapped him Mean while, an accomplice of the snatcher came towards Aman and attacked on Aman's back with a knife from behind and gave him stab injury. The complainant tried to grab the assailant but he also attacked on complainant with knife and made the complainant injured too. After that the snatcher and his accompish who attacked with knife fled away from the Spot and also took the mobile of Aman. Thereafter, complainant brought Aman to RML Hospital where doctors declared Aman as 'brought dead'. Accordingly, the above mentioned case was registered u/s 302/307/394/397/34 IPC and investigation was taken up by Insp. Shyoram.

During the course of investigation, the IO examined one more witness Ct. Rajender No. 1696/C who was deployed on patrolling duty at G.B road on 05 10-2020. Ct Rajender stated that he heard some noise at around 12:05 AM and he had seen that four persons were running away on a scooty bearing no DL 3S EK 4183, color-dark grey from the spot.

During further investigation, on 10/10/2020, accused Rahat Ali and Fardeen were arrested in the above said case. They both admitted that they along with co accused i.e. Suhaib and Salman (present applicant) had committed the above said offence he along with accused Suhaib and Salman went to GB road on Salman's (present petitioner) Scooty to snatch/loot the mobile phones. They further disclosed that they were standing near Kotha No. 68 and accused Salman and Suhaib were standing on scooty for help. They disclosed that accused Rahat Ali snatched the mobile phone of deceased

Aman and when Rahat Ali was grabbed by the deceased then Fardeen stabbed knife and made him injured and when another person (complainant) tried to catch Fardeen, Fardeen also attacked on him and made him injured too. After that, they both along with Suhaib and Salman fled away from the spot on



Salman's Scooty. The looted Mobile phone was kept by accused Suhaib with him. At the instance of accused Fardeen the weapon of offence i.e. knife was also recovered.

Thereafter, on 11/10/2020, information regarding arrest of accused Salman (present petitioner) and Suhaib in case FIR No. 154/2020, PS Crime Branch Nand Nagri, Delhi was received at PS Kamla Market. After that production warrant was issued against both accused Salman and Suhaib. On 15/10/2020, accused Salman was formally arrested in the above mentioned case who admitted that he along with his associates Rahat Ali, Fardeen and Suhaib committed the crime in the present case. **At the instance of accused Salman scooty No. DL 3S EK 4183 was recovered which was used by the all four accused to run away from the scene of crime.**

On 16/10/2020, accused Suhaib was also formally arrested and he disclosed that he along with his associates Rahat Ali, Fardeen and Salman committed the crime in the present case. After commission of crime they all ran away on the scooty of Salman. Accused Suhaib further disclosed that he kept the looted mobile of deceased Aman and the same mobile has been recovered at his instance by the IO of Crime branch in case FIR No. 154/2020, PS Crime Branch Nand Nagri, Delhi. Further, TIP proceeding of all four accused persons was initiated. During TIP proceeding accused Fardeen and Rahat Ali refused to participate in TIP and accused Salman and Suhaib participated in TIP proceeding and both accused Salman and Suhaib were clearly identified by Ct. Rajender No. 1696/C during TIP. Accused Salman is habitual criminal as he has previous involvement in case FIR No. 154/2020, u/s 25 Arms Act, PS Crime Branch Nand Nagri, Delhi.

**Further, TIP proceeding of all four accused persons was initiated. During TIP proceeding accused Fardeen and Rahat Ali refused to participate in TIP and accused Salman and Suhaib participated in TIP proceeding and both accused Salman and Suhaib were clearly identified by Ct. Rajender No. 1696/C during TIP.** Accused Salman is habitual criminal as he has previous involvement in case FIR No. 154/2020, u/s 25 Arms Act, PS Crime Branch Nand Nagri, Delhi.

That after completion of investigation charge sheet against all four accused submitted before the Hon'ble Court and



the case is pending trial and remaining witnesses are yet to be examined. Therefore, there is apprehension that accused may influence, threaten the witnesses.

That the offence committed by the accused is serious in nature and has punishment of imprisonment for life. So, there is apprehension that accused may jump the bail in order to escape from punishment.”

4. Learned counsel appearing on behalf of the applicant submits that even as per the case of the prosecution, the present applicant was not at the spot when the incident of stabbing and snatching took place. It is submitted that the role of the present applicant has been shown that he was waiting for the other two co-accused persons and, thereafter, he had gone away alongwith them after the incident. It is submitted that PW-5, Head Constable Rajender Kumar, in his cross-examination had stated that the present applicant alongwith co-accused Suhaib was seen by him at P.S. Kamla Market where they were brought after their arrest. It is pointed out that the TIP proceedings have been conducted subsequent to the said identification by the applicant at the Police Station. It is further submitted that the prosecution has cited 37 witnesses out of which 9 have been examined and all the public witnesses have been examined.

5. *Per contra*, learned APP has further stated that the applicant has been identified by PW-5, Head Constable Rajender Kumar, who was on patrolling duty at the date of incident and had seen the present applicant leave on scooty with other two co-accused persons. It is further submitted that apart from the TIP proceedings, PW-5 has also identified the present applicant in the Court. Learned APP on instructions of the Investigating Officer further confirms the fact that all the public witnesses have been examined.

6. Heard the learned counsel for the parties and perused the records.



7. As per the case of the prosecution, the role of the present applicant was disclosed during investigation by the co-accused persons that he was present near the spot alongwith the scooty and was waiting for the main accused to come and, thereafter, he had left the spot alongwith them. The witness identifying the present applicant, namely, Head Constable Rajendra Kumar, admittedly, did not see the incident and even as per the case of the prosecution, he saw the present applicant leaving alongwith the other co-accused persons on the scooty after the alleged incident. Apart from the aforesaid circumstance, it also stated that the scooty which was involved in the incident was also recovered at the instance of the present applicant.

8. The material on the basis of which the role of the applicant has been alleged is on the disclosure statements of the co-accused persons. All the relevant independent witnesses have been examined. The prosecution has cited 37 witnesses out of which 9 witnesses have been examined so far.

9. Nominal Roll dated 24.03.2025 received from the Office of the Superintendent of Prison, Central Jail No. 13, Mandoli shows that applicant has been in custody since 11.10.2020, and he has undergone incarceration for a period of 4 years 4 months and 14 days as on 24.03.2025. The Nominal Roll further reflects that the applicant is involved in a previous FIR No. 154/2020 under Section 25 of the Arms Act, 1959 registered at P.S. Crime Branch in which he is stated to be on bail.

10. In totality of the facts and circumstances the application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with two sureties of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the



learned Trial Court.

- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
- vi. The applicant shall report before the SHO of the concerned police station every second Monday of the month at 4:00 P.M. and the concerned officer is directed to release him by 5:00 P.M. after recording his presence and completion of all the necessary formalities.
11. The application is allowed and disposed of accordingly.
12. Pending application(s), if any, also stand disposed of.
13. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
14. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
15. Order be uploaded on the website of this court *forthwith*.

**AMIT SHARMA, J**

**MAY 21, 2025/PU/SC**

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