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

+ **BAIL APPLN. 1016/2025**

AMAAR @ AMIR

.....Petitioner

Through: Mr. Vipul Sharma & Mr. M.K. Rizvi,
Advocates

Versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan,
Additional Public Prosecutor for
Respondent-State with SI Deepak
Kumar

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

17.04.2025

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1. The First Regular Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the Petitioner seeking bail in FIR No.514/2018, under Sections 302/392/395/396/397/412/201 and 120 B IPC, registered at Police Station Jahangirpuri, Delhi.

2. The case of the Prosecution is that on 12.11.2018, a dead body and a knife on the bed in a room was recovered from House No. 3/1215, First Floor, Jahangir Puri, Delhi.

3. During the investigation, CCTV Footage of the house was analysed, which showed three persons entering the house at around 06:45 AM and leaving with a bag at about 07:04 AM. Those persons were identified as Vishal @ Bunty, Rizwan @ Nesti and Riuzwan @ Sharukh.



4. On the basis of the mobile location of accused Vishal @ Bunty, he was arrested from Jharkhand on 15.11.2018. During further investigation, Vishal @ Bunty confessed and disclosed that co-accused Rizwan @ Sharukh was informed by the Applicant that CCI-I, Compounder of Dr. Mohd. Mukeem, has told him that next month marriage of Doctor's daughter Sofia is going to be solemnized for which the jewellery and money is kept in the house. On the asking of Vishal @ Bunty, the Applicant showed him the house and also told that the jewellery and cash is kept in the Almirah. The Applicant also informed that Doctor's daughter leave the house at 07:00 AM for teaching and thereafter, the Doctor would be alone in the house.

5. On the day of the incident, when the daughter of the Doctor left for the School, Vishal @ Bunty, Rizwan @ Nesti and Tizwan @ Sharukh entered the house to commit robbery and in the process the Doctor woke up and tried to stop the accused persons. When the Doctor tried to resist, accused Rizwan @ Sharukh caught hold of his neck and Rizan @ Nesti held his legs and strangulated him to death. The accused persons distributed the looted money amongst themselves and their family members. They were arrested on 19.11.2018.

6. After completion of the investigation, Charge-Sheet for the offence under Sections 302/392/395/397/412/201/120B IPC was filed against all the accused persons. The case was committed to the Court of Sessions and Charge was framed on 01.06.2022.

7. *Learned Counsel for the Applicant has submitted that only one witness has partly been examined out of 40 Prosecution witnesses and trial is likely to take long time. The accused has been in judicial custody since 19.01.2018. A prayer is made for grant of bail.*



8. ***Learned Additional Public Prosecutor for Respondent-State has placed before this Court Status Report dated 16.04.2025*** wherein the role assigned to the Petitioner is that he had conspired to commit robbery in the house of Dr. Mukeen Ahmed and the three co-accused persons namely Vishal @ Bunt, Rizwan @ Nesti and Tizwan @ Sharukh actually went to commit the offence. While committing the robbery, since Dr. Mukeen Ahmed resisted, he was killed by those three accused persons.

9. Essentially the role of the Applicant is that of the main Conspirator for committing robbery wherein the murder of the victim was not the scheme of their conspiracy.

10. The Applicant is in judicial custody since 2018 and only one Prosecution witness has been partly examined out of 40 Prosecution witnesses. The trial is likely to take long time. The Apex Court in State of Rajasthan Vs. Balchand (1977) 4 SCC 308 famously held that the “basic rule is bail and not jail, except where there are circumstances suggestive of fleeing from justice...” Recently, the Apex Court in Arnab Manoranjan Goswami Vs. State of Maharashtra (2020) 14 SCC 12 has reiterated the principle that Bail is rule and jail is exception.

11. In the totality of circumstances of the present case, the Applicant is admitted to Regular Bail, on the following conditions:-

- a) The Applicant shall furnish a bail bond in the sum of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;
- b) The Applicant shall appear before the Court as and when the matter is taken up for hearing;
- c) The Applicant shall provide mobile number to the IO



concerned which shall be kept in working condition;

d) The Applicant shall not indulge in any criminal activity and shall not try to influence the witnesses or tamper with the evidence;

e) In case of change of the residential address, the same shall be intimated to this Court and in the Police Station, by the Applicant.

12. A copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court, for compliance.

13. The Bail Application is accordingly disposed of while making it clear that observations made herein are only limited for the purpose of grant of bail.

NEENA BANSAL KRISHNA, J

APRIL 17, 2025

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