



\$~7

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 1123/2025**

SUHAIL KHAN ALIAS MUNSHI .....Applicant

Through: Ms. Parul Agarwal, Adv.

versus

STATE OF NCT OF DELHI & ORS. ....Respondents

Through: Ms. Richa Dhawan, APP  
for the State.

SI Prashant, PS Laxmi  
Nagar.

**CORAM:**

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

**ORDER**  
**26.05.2025**

%

1. The present application is filed seeking regular bail in FIR No.146/2024 dated 22.05.2024, registered at Police Station Laxmi Nagar for offences under Sections 307/336/392/506(2)/34 of the Indian Penal Code, 1860 ('IPC') and Sections 25/27 of the Arms Act, 1959.

2. The FIR was registered pursuant to a PCR call regarding an incident of firing. One person, namely Bilal was injured on his right leg in the firing.

3. The investigation revealed that accused Danish along with his father Afsar Ali and brother Amir along with three associates entered the house of the complainant namely- Rahat Parveen and started looking for Danish's wife Seema. Accused Danish and his wife were embroiled in a matrimonial dispute. It appears that some altercation took place in the house whereafter the



complainant went to the street when the applicant being addressed as 'Javed' pointed the pistol towards the complainant and on being instigated by the accused Danish, he fired upon the complainant causing injury to a passerby namely, Bilal. All accused persons thereafter fled away.

4. The learned counsel for the applicant submits that all the accused persons have already been admitted on bail. She submits that even as per the case of the prosecution, the altercation took place due to matrimonial dispute between Danish and Seema and that the applicant had only accompanied the accused Danish to Seema's house.

5. The learned Additional Public Prosecutor for the State submits that serious injuries were caused to the victim Bilal and therefore, no leniency be shown to the applicant.

6. Even as per the case of the prosecution, the altercation took place between the parties in regard to a matrimonial dispute between accused Danish and other family members. The prosecution further alleges that the gunshot was fired in the air and accidentally hit the injured Bilal who was just as passerby.

7. Moreover, all the other co-accused persons have been admitted on bail. The applicant is in custody since 17.08.2024 and has already spent more than 281 days in judicial custody. At this stage, the investigation is complete and the chargesheet has been filed, there is no chance of the accused tampering with evidence or feeling from justice, if released on bail. Even otherwise, the same can also be taken care of by putting appropriate conditions.

8. The Hon'ble Apex Court, in the case of **Sanjay Chandra v. CBI : (2012) 1 SCC 40**, held that pre-trial deprivation of



liberty is in the form of a punishment unless the same is required necessarily to ensure that an accused will appear before the Court as and when required. The Hon'ble Court saw no reason to detain the accused after completion of investigation and filing of chargesheet in the matter. In such circumstances no purpose would be served by keeping the applicant in further custody.

9. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.

10. Without commenting further on the merits of the case, keeping the facts and circumstances in mind and the fact that the trial is likely to take some time, I am satisfied that the applicant has made out a case for grant of regular bail.

11. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.

12. The applicant is, therefore, admitted on bail and is directed to be released (if not required in any other case) on furnishing a personal bond for a sum of ₹20,000/- with two sureties 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.

13. 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.

14. 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.

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

**AMIT MAHAJAN, J**

**MAY 26, 2025**  
**“SK”**