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

+ **BAIL APPLN. 1187/2025**

AZAD

.....Petitioner

Through: Mr. Advocate (Appearance not given)

Versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for the State
with Inspector Anuj Kumar, PS-Moti
Nagar.

Mr. Sanchit Sehgal and Mr. N. Singh,
Advds for complainant.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **06.05.2025**

1. This is an application under Section 483 of BNSS for grant of regular bail on behalf of petitioner (Azad) in case FIR No.537/2024 under Sections 103(1)/115(2)/3(5) of BNSS registered at Police Station Moti Nagar.
2. The learned counsel for petitioner submits that the incident arose out of sudden quarrel and the only role attributed to the present petitioner is that he had caught hold the deceased, while stab injuries were inflicted by CCL.
3. It is further submitted that all other co-accused including the CCL have since been enlarged on bail. The petitioner is stated to be in custody since 02.10.2024. The investigation is complete and the charge sheet has been filed and therefore, petitioner is not required for any investigation.
4. The bail application has been vehemently opposed by the learned APP submitting that allegations against the present petitioner are grave and serious in nature. It is further submitted that petitioner is not entitled to grant



of bail on parity with the co-accused inasmuch as his role is different from the role of Shahjahan Khatoon who has been granted bail by this Court vide order dated 07.04.2025.

5. The role attributed to the co-accused Shahjahan Khatoon was that she gave beating to the complainant after the incident of alleged stabbing. The other persons granted bail are the CCLs and therefore, petitioner cannot draw parity.

6. As per the prosecution case, on 03.10.2024, Nafees along with his three friends Shahnawaz @ Kalu, Sahil and Said Ahmed reached at Shiv Basti near Shadipur Flyover on two Scotties in search of *Ganja*. Three boys including the petitioner Azad who were sitting near the railway track. A stone on the track hit one of the CCLs by the moving scooty.

7. Upon this all the three boys started quarrelling. The petitioner caught hold the victim Shahnawaz and the other two CCLs slapped Shahnawaz. Two more CCLs came there and they also beat up Shahnawaz.

8. Two ladies from the same vicinity later identified as Razida and Shahjahan Khatoon had also joined the quarrel. Shahnawaz suffered stab injury and later expired.

9. Even though, the role of the present applicant is to the extent that he caught hold of the victim and stab injuries were caused by the CCLs, the act was done in furtherance to the common intention. The case is still at an initial stage inasmuch as charges are yet to be framed. The allegations are grave and serious in nature. The possibility that upon being released on bail, he may threaten or intimidate the witnesses cannot be ruled out, therefore, the present bail application is dismissed.

10. However, it is made clear that any observation in this order shall not



tantamount to be an expression on the merits of the case.

RAVINDER DUDEJA, J

MAY 6, 2025/sky/na