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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1545/2025**

RASHID PEHALWAN

.....Petitioner

Through: Mr. Lewish Edward, Mr.P. Vignesh
and Mr.Rajesh Yadav, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP
for State with SI Jagdev Singh
DIU/NE

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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28.05.2025

1. The Bail Application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioner, Rashid Pehalwan for grant of Regular Bail in FIR No. 306/2024 U/s 308, 448, 380, 458, 460, 147, 149, 34 of the Indian Penal Code, 1860 registered at Police Station Harsh Vihar.
2. The Applicant has submitted in the Application that the ***brief facts of the case*** are that though Kishan Lal executed a General Power of Attorney in favour of Meena Kumar @ Meena Thedarni on 14.02.2020, the Complainant in order to grab the property of the co-accused, Meena Kumari @ Meena Thekedarni forged the property documents, namely, Will, General Power of Attorney, Receipt and Possession Letter in respect of plot/property



bearing No. 18, measuring 220 sq. yards, i.e., 183.92 Sq. mtrs out of Khasra NBo. 543 situated at Village Mandoli, Opposite Mata Mandir, near 80 sq. Yds. colony, Mandoli Shahdara, Delhi.

3. The present FIR was registered on the allegations of the Complainant, on 24.06.1994.

4. The Applicant is in custody since 26.04.2024. The injured persons were taken to Guru Teg Bahadur Hospital, Shahdara at Delhi where the doctor treated them. MLC was prepared. The co-accused Azaim Khan was arrested on 28.07.2024 and was granted Bail on 29.07.2024 by the learned JMFC-07, Shahdara, Delhi. Thus, the Applicant is seeking Bail on the ground of parity.

5. The final Chargesheet already stands filed against the Applicant and six other persons, on 20.09.2024. There are in total 18 witnesses which would be examined from the side of the prosecution which would take a considerable time in completion. There was no recovery of cash, ornaments of any other articles having been effected from the possession of the Applicant which shows that he has been falsely implicated in this case.

6. In the MLC of the injured Sanjay Kumar, there is no opinion given by the Doctor that the injuries suffered were sufficient to cause death and thus, Section 308 IPC is not made out.

7. The Bail is sought on the ground of parity, as the Applicant has been in Jail since 24.06.2024.

8. The **Status Report** has been filed by the State before the learned Sessions Judge wherein it was submitted that the investigation reveals that the dispute was in respect of the subject property. During the investigation, the CCTV footage of the crime scene was preserved which shows that the



Applicant Rashid Khan along with other co-accused, was present and they caught and beat the Complainant.

9. Submissions heard and record perused.

10. As has been submitted, the genesis of the dispute lies in the dispute in regard to the ownership of a property. There were 6 accused persons but there are more than 5 injured persons/Complainant. While 4 persons suffered simple injuries, one injured, Sanjeev Kumar suffered grievous injury. However, as per the MLC, the injuries suffered were a bruise on right elbow of the right arm, contusion injury over left temporal area and edema. There is nothing reflected in the MLC on the basis of which the injury has been certified as grievous.

11. Considering that the trial would take long to get completed and the other circumstances as referred above, the Applicant Rashid Khan is admitted to Regular Bail, on the following conditions:

- a) The Applicant shall furnish a Bail bond in the sum of Rs.25,000/- 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 10 concerned which shall be kept in working condition;
- d) In case of change of the residential address, the same shall be intimated to this Court and in the Police Station, by the Applicant.
- e) That the Applicant shall not threaten the witnesses or tamper the evidence.



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 and pending Application are accordingly disposed of.

NEENA BANSAL KRISHNA, J

MAY 28, 2025/SV