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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2774/2024

SALIM

.....Petitioner

Through: Mr. Asad Iqbal and Mr. Mohis Khan,
Advs.

versus

THE STATE

.....Respondent

Through: Mr. Utkarsh, APP for State with Insp.
Dharmender Kumar, PS. Jahangir
Puri.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

12.02.2025

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1. The present petition has been filed under Section 439 CrPC read with Section 482 CrPC seeking regular bail in connection with FIR No.231/2020 under Sections 302/323/34 IPC and Section 25 of Arms Act registered at Police Station Jahangirpuri.
2. The learned counsel for the petitioner invites attention of the Court to the charge sheet to contend that the CCTV footage on which the prosecution has placed reliance only shows that the present petitioner was present at the place of incident and no overact has been attributed to him.
3. He further submits that out of four eye witnesses cited by the prosecution only one eye witness namely Sheikh Rajjak has been examined and partly cross-examined till date.
4. He submits that the petitioner is in custody since 22.10.2020 and the trial is not moving at all. The last date when the eye witness namely Sheikh



Rajjak/PW-3 was cross-examined was on 22.04.2024.

5. *Per contra*, the learned APP submits that apart from Sheikh Rajjak/PW-3, there are two more injured eye witnesses namely Sahil and Mustafa and one more eye witness namely Razia Bibi. He submits that since PW-3/Sheikh Rajjak has turned hostile, therefore, the prosecution apprehends that in the event the petitioner is released on bail, he may exert pressure on the other remaining eye witnesses who have not yet been examined. He, therefore, urges the Court that the present petition may be considered after the testimonies of the injured witnesses/eye witnesses have been recorded.

6. Having regard to the aforesaid circumstances, the learned Trial Court is requested to expedite the recording of the statement of all the eye witnesses/injured witnesses within a period of four months.

7. The petitioner is also granted liberty to move the learned Trial Court for preponing the date of the trial proceedings.

8. In view of the above, the learned counsel for the petitioner seeks to withdraw the present petition with liberty to approach this Court after the testimony of the eye witnesses/injured witnesses have been recorded.

9. Accordingly, the petition is dismissed as withdrawn with liberty as aforesaid.

VIKAS MAHAJAN, J

FEBRUARY 12, 2025/dss