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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3131/2024**
RAVI SHARMAPetitioner

Through: Mr. Rahul Chauhan, Advocate.

versus

THE STATE (GOVT. N.C.T. OF DELHI) & ANR.Respondents
Through: Mr. Mukesh Kumar, APP.
Inspector Madhurendra Kumar, P.S.
Bara Hindu Rao.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
06.02.2025

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 191/2021 registered under Sections 302/307/34 of the Indian Penal Code, 1860³ and Sections 25/27/54/59 of the Arms Act, 1959 at P.S. Bara Hindu Rao. Subsequently, a chargesheet was filed and offence under Section 120B of IPC was added.

2. In brief, the case of the prosecution is as follows:

2.1. The present FIR was registered on the complaint of one Md. Naeem whereby he alleged that on 8th July, 2021 at around 9:15 PM, a group of

¹ "BNSS"

² "Cr.P.C."



people stopped their car and started quarrelling with the Complainant and his nephew, Md. Muneeb. However, the Complainant overpowered the said persons with the help of a passer-by and they got away. After a while, the attackers returned and fired rounds, which resulted in a bullet injury to two innocent passersby. The injured were taken to the hospital where they were declared to be brought dead. Only one of the deceased persons could be identified as Mr. Sanjay, s/o Mr. Jaipal Singh.

2.2. During investigation, it was noticed that there was a dispute between Md. Muneeb with the co-accused persons, Mr. Ferojuddin and Md. Danish. It was revealed that Md. Muneeb had caused damage to the business of Mr. Ferojuddin and Md. Danish by getting their buildings demolished through the interference of MCD. As a result, Mr. Ferojuddin and Md. Danish hatched a conspiracy to eliminate Md. Muneeb.

2.3. In furtherance of their conspiracy, on 6th July, 2021, Mr. Mehtabuddin, who is the father-in-law of Mr. Ferojuddin, called Md. Muneeb and threatened him to settle the matter or he will be killed. Further, Mr. Ferojuddin asked for manpower from accused Mr. Anwar @ Hatela, who then provided him with the contact number of two people, namely Mr. Ravi Sharma (the Applicant) and Mr. Shoaib to assist Mr. Ferojuddin.

2.4. On 6th July, 2021, the Applicant along with his accomplices, namely Mr. Rahul @ Charlie, Mr. Himanshu @ Rohan and other associates went to Bara Hindu Rao to identify Md. Muneeb. Subsequently, on 8th July, 2021 the Applicant came with Mr. Rahul @ Charlie and Mr. Himanshu @ Rohan while Mr. Shoaib came with his associates Mr. Sharafat, Mr. Banadik @ Sunny and Mr. Satender. Thereafter, as per their planning, Mr. Rahul @

³ “IPC”



Charlie went to Sanjita Hospital to identify Md. Muneeb. After identification, Mr. Rahul @ Charlie stopped the car of Md. Muneeb and him along with the Applicant, Mr. Himanshu @ Rohan, Mr. Shoaib, Mr. Satender, Mr. Banadik @ Sunny and Mr. Sharafat attacked Md. Muneeb, while Mr. Ferojuddin and Md. Danish were standing nearby the incident.

2.5. Efforts were made to arrest absconded the Applicant, who is stated to be actively involved in the case. However, it was found that the Applicant absconded from his residence and from his known whereabouts. As a result, proceedings under Section 82 of Cr.P.C. were initiated against him. Consequently, the Applicant was declared as a proclaimed offender through order dated 9th November, 2021 passed by the ACMM, Tis Hazari Court. Section 174A of the IPC was also added since the Applicant is absconding and evading trial intentionally.

3. In this background, counsel for the Applicant urges that the Applicant has not been named in the instant FIR and no specific allegations have been made against him. He urges that the Applicant has been in custody since 30th June, 2022 and the investigation is complete *qua* him and no purpose shall be served by keeping him in custody. It is asserted that the Applicant has no criminal antecedents and no recovery has been made from him. Additionally, it is stated that the co-accused Mr. Banadik and Mr. Danish have already been granted bail by this Court on 28th March, 2024. The Applicant undertakes to abide by all the conditions imposed, if bail were to be granted.

4. Mr. Mukesh Kumar, APP for State, strongly opposes the bail application. He submits that as per the CDR, the mobile number which was being used by the Applicant and the same was found to be registered in the



name of his mother. However, during the commission of crime, location of his mobile phone was found to be at the place of the incident. He further states that the ballistic report with respect to the weapons used at the time of the incident has been received as positive and the same has been filed in Trial Court through a supplementary chargesheet. It is asserted that the Applicant is one of the main accused persons who killed two innocent persons in conspiracy with other co-accused. The Applicant's prior bail application has been dismissed by the ASJ-05, Central District, Tis Hazari Court, through order dated 13th May, 2024. Further, the State apprehends Applicant is not likely to comply with the conditions of bail.

5. The Court has considered the afore-noted contentions. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴

6. In the present case chargesheet has been filed and charges have been framed. Notably, trial has progressed and public witnesses have been examined. As previously recorded on 23rd December, 2024, material witnesses have been examined by Trial Court, however, they have not supported the case of the prosecution. In such circumstances, the Court finds no reason to prolong the incarceration of the Applicant. The case of the prosecution against the Applicant primarily hinges on Call Detail Records, the value whereof is a matter to be decided by the Trial Court. Additionally, the co-accused persons as noted above, have already been granted bail.

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



Thus, the Applicant is entitled to be enlarged on bail on the grounds of parity.

7. In view of the above, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 50,000/- with two sureties of the like amount, subject to the satisfaction of the 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 Trial Court;
- c. The Applicant shall appear before the 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;
- f. The Applicant shall report to the concerned P.S. on the fourth Friday of every month.

8. 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.

9. 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.

10. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

FEBRUARY 6, 2025

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