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

+ **BAIL APPLN. 3284/2024**

SHAHNAWAJ AHMAD @ SHANU PRADHANPetitioner

Through: **Mr. Mukesh Kalia & Mr. Sunny
Sharma, Advocates.**

versus

THE STATE N.C.T OF DELHI

.....Respondent

Through: **Mr. Laksh Khanna, APP for State
with SI Anugraha (P.S. Welcome).**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

12.02.2025

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1. The present petition has been filed seeking regular bail in FIR No. 399/2021 dated 10.08.2021, registered at Police Station (P.S) Welcome, for offences under Sections 307/34/109/114 of the Indian Penal Code, 1860 ('IPC') and Sections 25/27 of the Arms Act, 1959.

2. At the outset, the learned APP states that the status report dated 08.10.2024 at paragraph no. 12 erroneously records that the charges have been framed. He clarifies that the charges are yet to be framed as the Investigating Officer (I.O.) is awaiting the CFSL report with respect to ballistics.

3. He states that the request for a ballistic report to FSL was sent as early as on 02.02.2022 and is still awaited. He states that the DCP will issue a priority letter considering the fact that the incident/offence which is the subject matter of the FIR is dated 09.08.2021. He states that the matter is



next listed before the Trial Court on 06.03.2025.

4. After some arguments, the learned counsel for the petitioner seeks liberty to withdraw this petition and approach this Court again, in case the trial has not progressed even after three months.

5. The petition is dismissed as withdrawn with liberty as prayed for reserved.

6. However, in view of the aforesaid submissions, this Court directs the concerned DCP to forthwith issue a priority letter to the Director of FSL, for furnishing the report within two (2) weeks keeping in the view the fact that the incident is of 09.08.2021 and one of the first co-accused has been in custody since 09.09.2021.

7. Pending applications (if any) are disposed of as infructuous.

8. Before parting this Court would like to take note of the letter dated 18.10.2024 addressed by DCP, North-East District, Delhi to the Director, FSL enlisting a list of 110 cases submitted to FSL with a special mention that the absence of reports from FSL has seriously hampered the trials in these cases. The list on 110 cases dates back to 2015. The case which is the subject matter for consideration is listed at Sr. no. 60 and though the requests for FSL was first sent on 02.02.2022 is still awaited.

9. This Court has observed that in several matters where the accused is in judicial custody and even though investigation is complete, the trial has not progressed as report from FSL is awaited. The delay in the FSL report prejudices the prosecution as it delays investigation and also prejudices the accused who is incarcerated awaiting trial.

10. However, it appears to this Court despite DCP having addressed letter dated 18.10.2024 to the Director, FSL for this case there has been no



movement or effect. This is absolute breakdown of the system.

11. Accordingly, this Court hereby issued Court notice to Director, FSL, Rohini, Delhi to file a status report with respect to the status of the 110 cases enlisted in the DCP's letter dated 18.10.2024. The status report shall be filed one week prior to the next date of hearing.

12. The registry is directed to send a copy of the letter dated 18.10.2024 with the Court notice. In addition, issue notice to the standing counsel/nominated counsel for Director, FSL.

13. Mr. Laksh Khanna, learned APP is directed to obtained instructions from the concerned DCP on the said issue before the next date of hearing.

14. List on 19.03.2025 in the '*Supplementary list.*'

15. The Court Master is directed to place on record the letter dated 18.10.2024.

FEBRUARY 12, 2025/a/ms

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any