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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3630/2024**
AMAANPetitioner

Through: Mr. Pradeep Chowdhary, Mr. Vikrant
Chowdhary and Mr. Gaurav Kapoor,
Advocates

versus

STATE GNCT OF DELHIRespondent

Through: Mr. Manoj Pant, APP for the State

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

16.04.2025

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1. By way of the instant application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 492/2022 dated 16.09.2022, registered at Police Station Subzi Mandi, Delhi, for the offence punishable under Sections 302/120B of Indian Penal Code, 1860 (hereafter 'IPC') and Section 25/27 of Arms Act, 1959. Subsequently, the chargesheet was filed under Sections 302/212/506(ii)/120B of IPC and Section 25/27 of Arms Act, 1959.

2. Briefly stated, the facts of the present case are that on the intervening night of 15/16.9.2022, an information regarding an MLC was received from Hindu Rao Hospital at Police Station Subzi Mandi, Delhi that one Nazim aged about 20 years had been brought by his neighbour Rahul, and had been declared dead. The present case was registered on the statement of one eye witness Durgesh @ Rishi, who had stated that on the night of the incident,



he alongwith some of his friends namely Nazim, Wazid, Zaid, Wasif, Amaan, Bhura @ Ashik, Sujal Sonkar and Arbaz were celebrating a party at the first floor, 831, Main Malkaganj Road, Kabir Basti, Delhi and during the celebration, Sujal Sonkar and Bhura @ Ashik had started accusing Nazim of leaking information about their group to other group of Sonu Sardar. Thereafter, Sujal and Bhura @ Ashik had told Amaan to kill Nazim by using *Katta* (fire arm), which they had given to Amaan earlier. Thereafter, Amaan had fired at Nazim on the neck, in anger, with *Katta*, and Nazim had fell down on the floor. On seeing this, the complainant Durgesh @ Rishi, had brought the deceased Nazim on the ground floor, and had told Rahul to take him to the hospital in an auto-rickshaw, where Nazim was declared brought dead. Consequently, a team was formed and inspection of the scene of crime was conducted. After investigation, the present FIR was got registered.

3. The learned counsel appearing for the applicant argues that the applicant herein has been falsely implicated in the present case, and is in judicial custody since 16.09.2022. It is further argued that all the eye witnesses have turned hostile, and there is no iota of evidence to show that there was some enmity between the present applicant and the deceased. It is submitted that the trial will take some time to conclude and further incarceration of the acc used will serve no fruitful purpose. In these circumstances, it is prayed that the applicant be granted regular bail.

4. The learned APP for the State, on the other hand, argues that the weapon used in the commission of offence was recovered from the present applicant, and one public witness namely Raju, who was an auto driver remains to be examined before the learned Trial Court. The learned APP for the State further argues that the allegations against the present applicant are



grave in nature and releasing the applicant on bail at this stage will affect the trial. Thus, it is prayed that the present bail application be dismissed.

5. This Court has heard arguments addressed by both the parties and has perused the material on record.

6. This Court after perusing the case file notes that three eye witnesses have been examined before the learned Trial Court, and they have not supported the case of prosecution and have turned hostile. It is also noted that the accused is in judicial custody since 16.09.2022. It is also noted that one public witness Raju i.e., auto driver is yet to be examined, but he is not an eye witness to the offence in question.

7. Considering the overall facts and circumstance of the case, and the fact that the all the eye witnesses have not supported the case of prosecution, and the trial will take some time to conclude, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i. The applicant shall not directly or indirectly contact the victim or his family members and not to make an attempt to influence the witnesses, or tamper with the evidence in any manner.
- ii. The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
- iii. In case of change of residential address/contact details, the applicant shall promptly inform the same to the



concerned Court.

iv. The applicant shall appear regularly before the learned Trial Court.

8. Accordingly, the present bail application stands allowed and is disposed of.

9. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case

10. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 16, 2025/ns

[Click here to check corrigendum, if any](#)