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

+ **BAIL APPLN. 4084/2024**

NAJIM @ BILLA

.....Petitioner

Through: Mr. Arpit Verma, Mr. Anuj Arya &
Ms. Sakshi Mishra, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State with
Inspector Sanjay Kumar Meena, P.S.
NIA, OND, Delhi

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **10.01.2025**

1. The present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of regular bail in case arising out of FIR bearing no. 260/2022, registered at Police Station Narela Industrial Area, Delhi, for offences punishable under Sections 302/307/120B/34 of the Indian Penal Code, 1860 (hereafter 'IPC') and Sections 25/27 of Arms Act, 1959.

2. The FIR in this case came to be registered on the basis of a PCR call received *vide* DD No.133A at PS NIA, Delhi. During investigation, it was revealed that the injured Imran had been taken to the hospital. During the course of the enquiry, the IO had recorded statement of the eyewitness Arman, the brother of the injured Imran. In his statement, he informed the IO that on 25.03.2022, one of his distant relative namely Sohail had come to



his home and his brother Imran had accompanied him outside his home. At about 10:15 PM, while he was standing on the road near Baba Jot Ram Temple, he had seen his brother Imran coming out of public toilet, bleeding profusely. He had rushed towards his brother and had seen that accused Sohail was coming out of the toilet with a knife like weapon in his hand and he had stabbed him repeatedly in his stomach in order to kill him. Arman had then taken Imran to the hospital in the injured condition. An FIR was accordingly registered under Section 307 of IPC. The injured Imran was referred to BSA Hospital, where he was declared brought dead, and therefore, Section 307 of IPC was converted into Section 302 of IPC.

3. The learned APP for the State submits that during investigation, supplementary statement of the other relevant witnesses and other eyewitnesses were recorded and it was revealed that two other accused persons namely Satyam and CCL 'K' were also involved in the stabbing of the deceased. He submits that accused Satyam had caught hold of the deceased Imran and CCL 'K' had stabbed him along with Sohail. The learned APP insists that later on, as per the statement of the witnesses, while accused Satyam @ Machhi was arrested in the present case and CCL 'K' was apprehended, it transpired that a conspiracy had been hatched, to commit murder of the deceased Imran, amongst accused Amit, Gulzar and Najim @ Billa (the applicant herein) who had given the contract for stabbing and killing the deceased Imran to accused Satyam @ Machhi and CCL 'K'.

4. The learned APP has drawn the attention of this Court to the fact that on 25.03.2022, the accused Amit had transferred Rs.400/- to a shop owner namely Badal through Paytm and had asked Sohail, Satyam @ Machhi and CCL 'K' to stab the deceased. It is argued that after committing the offence,



one Arvind had given lift to Satyam @ Machhi and CCL 'K' and had dropped them at Azadpur on the motorcycle where they had met Gulzar, Amit and Najim @ Billa. It is, therefore, stated that it is a clear case of committing murder upon hatching of a conspiracy and therefore, Section 302 of IPC read with Sections 120B and 34 of IPC were added when the investigation was concluded and charge sheet was filed.

5. The learned APP for the State also argues that the investigation and the statement of witnesses had revealed that Imran was stabbed at two spots. First, he was stabbed by CCL 'K' and during stabbing he was caught hold of by accused Satyam @ Machchi. On 23.03.2022, before murder of Imran, the conspiracy had been hatched at Lal Bagh, Azadpur by Gulzar, Amit, Satyam and CCL 'K' to kill Imran and the investigation further revealed that the public toilet was the first spot where Imran was stabbed by CCL 'K' while accused Satyam had caught him and the accused Sohail had thereafter again, outside the toilet, stabbed the deceased. The learned APP states that the motive for killing the deceased was that Gulzar was running a gang of snatchers and earlier the deceased was working for Gulzar, however, he had later on left his gang. The present accused Najim was also running a gang of snatchers and the deceased also used to work for him earlier but had also left his gang. The accused Amit had actively participated in the conspiracy to murder Imran, being close associate of Gulzar.

6. The learned APP for the State also draws attention of this Court to the call detail records of accused Amit, dated 25.03.2022, and states that accused Amit had made a phone call to the accused Satyam in the evening and had directed them to stab Imran. At the time of stabbing Imran, accused Gulzar, Najim and Amit were continuously in touch with Satyam and CCL



‘K’ through phone calls and the phone calls would reveal that not only during the stabbing incident, but before it and thereafter also, Amit had again made a call from his phone to Satyam at 09:58 PM and Satyam, CCL ‘K’ and Sohail were asked to kill Imran by them. It is stated that three phone calls of about 850 seconds are documentary proof that Imran was stabbed at two spots. It is also argued that charges have been framed under Section 102/109/120B/34 IPC and the case is listed for recording evidence of the prosecution witnesses. The learned APP therefore states that since the public witnesses are yet to be examined, no ground for bail is made out.

7. The learned counsel for the applicant, on the other hand, argues that the applicant has been falsely implicated in this case and that there is no admissible incriminating evidence in this case to even remotely suggest that the applicant herein was either part of the conspiracy or had stabbed the deceased. He also argues that there is no specific allegation against the present applicant in either the statement given by the complainant or in the alleged last statement given by the deceased to his father. It is also contended that the applicant has been solely implicated in this case on the basis of disclosure statement of co-accused and therefore, he be granted regular bail.

8. This Court has heard arguments addressed on behalf of both the parties and has perused the material placed on record.

9. Having given thoughtful consideration to the material placed on record, this Court is of the opinion that charges have been framed against the applicant, *inter alia*, under Section 120B of the IPC, and the argument that the applicant Najim was not present at the spot and had not stabbed the deceased can be of no avail at this stage, since the investigation has revealed



that a conspiracy had been hatched by applicant Najim along with co-accused persons to kill the deceased and there was a motive to kill him as he had refused to be a part of their gang which used to commit the offence of snatching, etc. The record also reveals that the accused persons were in constant touch with each other since the contract to kill Imran had been given to Satyam and CCL 'K'. Therefore, there was no need for the other accused persons to be physically present at the spot for commission of the offence.

10. Concededly, the applicant is involved in some other criminal cases i.e. FIR No.266/2018 registered under Sections 25/54/59 of the Arms Act at Police Station Narela, FIR No.411/2021 registered under Sections 25/35/54/59 of the Arms Act at Police Station Narela Industrial Area and FIR No.298/2021 registered under Sections 25/54/59 of the Arms Act at Police Station Narela Industrial Area. Moreover, other material public witnesses are yet to be examined, before the learned Trial Court. Considering the seriousness and gravity of the offence and the stage of trial, this Court does not find it a fit case for grant of bail to the accused/applicant.

11. Accordingly, the bail application stands rejected.

12. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of this case.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 10, 2025

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