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

+ **BAIL APPLN. 4187/2024**

MOHD JAHID @ KAHLIFA

.....Petitioner

Through: Ms. Tarannum Khan, Adv. with
mother of the petitioner in person.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for the
State.

SI Ravi Narwal, MACT Cell, Hari
Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **28.05.2025**

1. This hearing has been done through hybrid mode.
2. The present application under Section 483 read with Section 528 of the BNSS seeks regular bail in case FIR No. 306/2024, under Sections 392/394/34 of the IPC, registered at P.S. Moti Nagar.
3. The case of the prosecution as per the status report dated 28.01.2025 authored by SHO, P.S. Moti Nagar, is as under:-

1. Most respectfully, it is submitted that a case vide FIR No. 306/24 u/s 392/394/34 IPC was registered on the statement of the complainant Rajesh Kumar S/O Satyanarayan R/O WZ-5, Rampura Road Golden Park, Nearby Ashoka Park Main Metro Station Delhi alleging therein that on 31/05/2024 he was going in his vehicle and when he reached near Zakhira Gol Chakkar, he stopped his vehicle for nature call. Meanwhile, four boys came there and surrounded him. One boy attached upon the complainant with some sharp object and second boy hit on the



head of the complainant and other two boys took away the mobile phone of the complainant and all of them run away. On receipt of the information from the hospital IO/SI Ravi Narwal reached the hospital and recorded the statement of the complainant and a case vide FIR No. 306/24 u/s 392/394/34 IPC got registered and investigation was taken up.

2. That during, the course of investigation search of accused persons was made in the area along with complainant. Meanwhile, secret informer apprised that the boys who have committed robbery with the complainant are sitting in DLF park. All the three boys were nabbed with the help of staff and during interrogation the name of accused came to know Mohd. Jahid @ Khalifa s/o and other two boys were' found CCLs. Complainant identified the accused Jahid @ Khalifa , and both the CCLs. The robbed mobile phone of complainant was also recovered from the possession of one of the CCL which was taken into police possession through seizure memo. Accused Mohd. Jahid @Khalifa was arrested in, the present case. and both the CCLs were apprehended and produced before the, Principal Magistrate, JJB~III, 'Kingsway Camp, Delhi and from there both of them were sent to judicial custody.

3. 'That the previous IO has obtained the MLC result from the hospital and the, doctor opined the nature of injury is "simple," and accused Mohd. Jahid @Khalid were not found involved in any other criminal case."

4. Learned counsel appearing on behalf of the applicant submits that the latter has been falsely implicated in the present case and the allegations with respect to hitting the complainant is stated to be by the CCL, who is already on bail. It is further submitted that no recovery has been effected from the present applicant. Chargesheet stands filed and he has not been involved in any previous offence.

5. Learned APP for the State submits that the complainant in the present



case is yet to be examined and his examination is now fixed in August, 2025.

6. Heard learned counsel for the parties and perused the records.

7. The case of the prosecution *qua* the present applicant is that he alongwith co-accused CCL attacked the complainant with an intention to commit robbery and took his phone away. No recovery has been effected from him. It is not the case of the prosecution that the present applicant inflicted the injury on the complainant. Chargesheet stands filed. The applicant has been in custody since 01.06.2024. The applicant is not shown to be involved in any previous offence.

8. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 15,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
9. The application is allowed and disposed of accordingly.



10. Pending application, if any, also stand disposed of.
11. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
13. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 28, 2025/nk

Click here to check corrigendum, if any