



\$~6

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

+ **BAIL APPLN. 4424/2024**

JAMSHEED

.....Petitioner

Through: Mr. Rashid Khan, Ms. Simran Khan
and Mr. Sohail Khan, Advocate

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

%

14.01.2025

CRL.M.A. 36166/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

BAIL APPLN. 4424/2024

3. The instant application under Section 439 of the Code of Criminal Procedure, 1973 (hereafter '*Cr.P.C.*')/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. 80/2014, registered at Police Station Pul Prahladpur, Delhi for offence punishable under Section 302/34 of Indian Penal Code, 1860 (hereafter '*IPC*') and Section 25/27 of the Arms Act, 1959.
4. The present FIR was registered against the accused persons on the allegations of committing murder of the victim Ravi by shooting at his



forehead, since he had objected to the act of accused persons of attempting to take away a cow.

5. The learned counsel appearing on behalf of the applicant argues that that the applicant had been granted bail by the learned Trial Court on 04.01.2016 after serving 20 months of judicial custody in the present case. It is argued that the applicant was declared proclaimed offender on 12.09.2022, and was re-arrested on 30.11.2023, and since then, he is in judicial custody. Therefore, it is prayed that the applicant be granted bail.

6. On the other hand, learned APP for the State argues that the applicant had absconded during the trial. It is also stated that the allegations against the applicant are also serious in nature and therefore, present bail application be dismissed.

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

8. It is not disputed that the applicant herein was granted regular bail by the learned Trial Court, after he had served 20 months of judicial custody in the present case. A perusal of order dated 04.01.2016 reveals that PW-1, who is the sole eye witness in this case, had not supported the prosecution's case during his examination-in-chief and cross-examination and was declared hostile by the prosecution. Considering the same, the applicant was granted regular bail. However, the applicant was declared a proclaimed offender on 12.09.2022. While it is not disputed that the applicant continued to appear before the learned Trial Court from the year 2016 to 2019, the applicant was re-arrested on 30.11.2023 after being declared a proclaimed offender. Therefore, it is clear from the record, that he was granted regular bail after hearing the parties on the merit of the case. The applicant/accused



is in judicial custody since 30.11.2023. No other case is presently pending against him.

9. Considering the overall facts and circumstances of the case, and also in view of the conceded fact that the sole eye witness in this case had turned hostile, this Court is inclined to grant regular bail to the applicant, on his furnishing a personal bond in the sum of Rs.20,000/- with two sureties of the like amount (one of the surety should be the family member of the applicant) 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 provide his contact details and residential address to the concerned SHO/IO, as well as to the concerned Trial Court.
- ii. The applicant shall not leave the country without prior permission of the learned Trial Court.
- iii. The applicant shall not directly or indirectly make an attempt to contact the victim, or influence the witnesses or tamper with the evidence in any manner.
- iv. In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Trial Court and IO/SHO.
- v. The applicant shall appear regularly before the learned Trial Court.

10. Accordingly, the present bail application along with pending application stands disposed of.

11. Before parting, the DCP (Litigation) is directed to ensure that the Investigating Officer(s) who are assigned to the Court are conversant with



the facts of the case, so that no adjournment is sought in the matter and no judicial time is wasted. This practice of IOs, not being conversant with the facts, also results in unnecessary incarceration of accused persons in jail in many cases.

12. A copy of this order be forwarded to the DCP (Litigation) for information and compliance.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 14, 2025/ns

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