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

+ **BAIL APPLN. 4444/2024**
SH SAJID

.....Petitioner

Through: Mr. Himanshu Kaushik and Mr.
Gopal Tyagi, Advocates.

versus

STATE THROUGH SHO BHALASWA DAIRYRespondent

Through: Mr Manoj Pant, APP for the State
with SI Naresh Kumar, P.S. Bh Dairy.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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23.01.2025

CRL.M.A. 36355/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 4444/2024

3. 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. 211/2023, registered at Police Station Bhalaswa Dairy, Delhi, for offences punishable under Sections 307/323/506/34 of the Indian Penal Code, 1860 (hereafter 'IPC') and Sections 25/27/54/59 of the Arms Act, 1959 .

4. Brief facts of the case, as per the prosecution, are that a complaint was lodged by complainant namely Vishal, alleging that on 05.02.2023 at about 11.20 PM, when he was walking in the street, he had seen a few people coming towards him. His neighbour Chanda Devi had also come out and



pointed towards the complainant, and said “this is Vishal” and she had ordered to kill him. It is alleged that those boys had tried to attack him while he was running towards his house, and they had stopped him near the gate and had started to beat him. The complainant had shouted for help and called his father. Thereafter, one of the boys had taken out the pistol from his pants and hit the complainant on his head with the butt of the pistol and at the same time, the complainant’s father had also come out to save the complainant and the boys had given him beatings as well. It is alleged that Chanda Devi had asked those boys to kill the complainant's father also and on hearing this, one of those boys had fired a bullet towards him and the bullet had hit his stomach. The complainant’s father had fallen on the ground and the boys had fled away from the spot. The complainant disclosed that out of the said boys, he knew Sajid i.e. the applicant/accused herein, Rizwan, Rashid, and that he could identify the other remaining offenders if shown to him. The present applicant was arrested on 08.08.2024.

5. The learned counsel for the accused argues that the applicant/accused has been falsely implicated in the present case, and the allegations against him are vague and incorrect. It is also contended that the complainant and his father are habitual offenders and they sell drugs and many other type of illegal substances, and a number of cases/FIRs are pending against both of them. It is further stated that co-accused persons have already been enlarged on bail, and chargesheet stands filed against the accused. Therefore, it is prayed that the present applicant be granted regular bail.

6. The learned APP appearing on behalf of the State, on the other hand, contends that the accused/applicant herein had committed a heinous offence. It is stated that material witnesses are yet to be examined before the learned



Trial Court. It is further stated that the applicant had fired at the complainant and his father had sustained serious injuries. Therefore, it is prayed that present bail application be dismissed.

7. This Court has heard arguments on behalf of both the parties and has also gone through the record.

8. In the present case, this Court notes that no recovery of weapon has been effected from the present applicant. Further, this Court's attention has also been drawn to the fact that the co-accused persons have already been enlarged on bail. The applicant has been in judicial custody for about six months. The charge-sheet in this case stands filed.

9. Considering the overall facts and circumstances of the case, this Court is inclined to grant regular bail to applicant/accused on his furnishing personal bond in the sum of Rs. 50,000/- with one surety bond 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/accused shall not leave the country without prior permission of the concerned Court.
- ii) In case of change of residential address/contract details and phone number, the applicant/accused shall promptly inform the same to the concerned Trial Court.
- iii) The applicant/accused will not absent himself before the learned Trial Court;
- iv) The applicant/accused will not contact or threaten the witnesses in any manner;



10. The order be uploaded on the website forthwith.

JANUARY 23, 2025/KG

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any