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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4469/2024**

PAEVEZ ALAM KHAN

.....Applicant

Through: Ms. Meenakshi, Mr. Durga Prasad
Shukla and Mr. Raja Pandey,
Advocates

versus

**THE STATE GOVT. OF NCT OF DELHI
& ORS.**

.....Respondents

Through: Mr. Laksh Khanna, APP for the State
I.O. Sanjeev Mandal and Insp. Raj
Kumar, PS Lodhi Colony.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **11.03.2025**

1. The present application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') read with Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') seeking anticipatory bail in FIR No. 098/2024 dated 20.04.2024 registered at Police Station (P.S.) Lodhi Colony, New Delhi for offences under Sections 323/365/302/506/34 of the Indian Penal Code, 1860 ('IPC').

2. The case of the prosecution as borne out from the material placed on record is that on 20.04.2024, P.S. Lodhi Colony, New Delhi received an information from the complainant-Jitender Singh that one Chandan Kumar (deceased) had been dropped from the 8th floor of a flat. Subsequently, the subject FIR was registered.

2.1. During the course of the investigation, it was revealed that, on 15.04.2024, the complainant had arrived at New Delhi Railway Station and



gone to Annapurana Hotel, Sarai Kale Khan, where one Chandan Kumar i.e., the deceased was staying with one Parvez Alam Khan i.e., the Applicant herein. It is stated that on 17.04.2024, four (4) persons namely, Dharmesh Malik, Raja, Arsad and Parvez Alam Khan (hereinafter collectively referred to as ‘accused persons’) arrived at the said hotel and demanded Rs. 10 lakhs from Chandan Kumar, who requested more time to arrange funds. However, the accused persons forcefully took both Chandan Kumar and complainant-Jitender Singh, detaining them at various locations in Delhi; on 19.04.2024, both were taken to La Bella Hotel and on 20.04.2024, both were taken to Flat No. B-804, 8th Floor, NDMC Flats, Aliganj Road, Jorbagh, New Delhi (‘crime scene’) and after some arguments, the accused persons including the Applicant herein threw Chandan Kumar (since deceased) from the balcony of aforesaid Flat No. B-804.

2.2. It is stated that during the course of the investigation, co-accused persons – Dharmesh Malik and Ahmad Salman were arrested on 25.04.2024 and upon interrogation, they disclosed their involvement in the alleged crime against the deceased and the complainant. It is stated that co-accused Arsad was arrested on 29.04.2024. It is stated that co-accused persons Dharmesh Malik, Raja, and Arsad were identified by the complainant-Jitender Singh during the TIP; however, the Applicant herein could not be identified since he was not traceable, Non-Bailable Warrants (NBWs) were issued against him and subsequently, proceedings under Section 82 of the Code of Criminal Procedure, 1973 were also initiated against the Applicant herein on 25.06.2024.

2.3. It is stated in the meanwhile, the Applicant herein, on 27.06.2024, filed an application seeking anticipatory bail in the subject FIR before the



District Court which was dismissed vide order dated 19.09.2024.

3. Ms. Meenakshi, learned counsel for the Applicant states that the Applicant was not present in Delhi on the date of the alleged incident i.e., 20.04.2024. She states that the Applicant was in fact, in Bhopal on the said date. She also relies on the fact that in the TIP proceeding conducted on 19.12.2024, the complainant has failed to identify the present Applicant.

3.1. She states that she has perused the status report dated 24.02.2025 filed by the prosecution. She states that the said status report records that for the relevant date i.e. 20.04.2024, the register of the Railway Retiring Room at Bhopal for 20.04.2024 duly records that the Applicant had registered for a bed no. 9F and the register duly bears Applicant's signatures, which prima facie has been verified by the prosecution through FSL.

4. Mr. Khanna, learned APP as well refers to the status report dated 24.02.2025. He states on instructions from the Investigating Officer (IO), that the Applicant has since joined the investigation and at this stage, the Respondent does not seek any custodial interrogation of the Applicant. He states that, however, the Applicant may be bound down to join the investigation and cooperate with the IO in case, further investigation is required.

5. This Court has considered the submission of the parties and perused the status report dated 24.02.2025. The crucial document relied upon by the Applicant/Parvez is the register of the Railway Retiring Room at Bhopal. However, there is no corroborative evidence such as CCTV footage to establish Applicant's location at the train station or in Bhopal. Similarly, even as per the status report the ticket of the Applicant for the journey undertaken by train from Lucknow to Bhopal on 18.04.2024 and from



Bhopal to Secunderabad on 21.04.2024 is not corroborated from the record of the railways, since the Applicant's journey status has not been marked contrary to the established practice followed by railways. In the facts of this case, the complainant Jitender Singh has stated that he came in contact with the Applicant on 17.04.2024 and was thereafter abducted by the accused persons including the Applicant on 19.04.2024 and he remained in the illegal custody of the accused persons till 20.04.2024. In this background, the fact that the complainant named the Applicant as an accused along with other accused persons in the complaint/FIR is significant and cannot be discarded simplicitor on the basis of register of the Railway Retiring Room at Bhopal. However, prosecution elected to conduct a TIP and it is stated that complainant failed to identify the Applicant herein in the TIP conducted on 19.12.2024. The Applicant was untraceable from 20.04.2024 until June, 2024 as per the status report and surfaced immediately after proceeding for declaring him a proclaimed offender were filed on 25.06.2024. The facts of this case do not add up, when examined in the backdrop of the statement of the complainant i.e., Jitender Singh where he categorically identifies the Applicant and the fact that complainant may have been influenced before TIP was held on 19.12.2024 cannot be ruled out. The complainant has duly identified the remaining three accused persons who were in custody during the TIP held initially.

6. However, since the I.O. has stated that he does not require the Applicant for custodial interrogation and is prima facie satisfied with the material produced by the Applicant to establish his alibi for 20.04.2024, the Court is of the considered opinion that the Applicant is entitled to anticipatory bail. Consequently, in the event of arrest, the Applicant is



enlarged on anticipatory bail FIR No. 098/2024 registered at Police Station (P.S.) Lodhi Colony, New Delhi for offences under Sections 323/365/302/506/34 IPC on furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount subject to the satisfaction of the arresting officer/IO/SHO concerned, further subject to the condition that the Applicant will join investigation as and when directed and not influence any witness/complainant/victim or tamper with evidence of the case.

7. Accordingly, this bail application is disposed of. Pending applications (if any) are disposed of as infructuous.

8. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

9. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MARCH 11, 2025/msh/MG

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