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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4705/2024**
SOHAIBPetitioner

Through: Mr. Abhishek Duggal and Ms. Kavita,
Advs.

versus

THE STATE N.C.T. OF DELHIRespondent
Through: Mr. Aman Usman, APP for State with
SI Vijay PS Mahendra Park, NWD

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
17.02.2025

1. The present petition has been filed under Section 483 BNSS seeking regular bail in connection with FIR No.957/2023 under Sections 307/34 IPC and Sections 25/27 of Arms Act registered at Police Station Mahendra Park.
2. The case of the prosecution is that the murder of the real brother of the present petitioner namely, Fozil who was aged about 16 years was committed by the members of Vishal gang on 09.05.2023 and in respect thereof FIR No. 548/2023 under Sections 302/120B/34 IPC was registered at PS Mahendra Park.
3. It is further a case of the prosecution that the present petitioner alongwith other two co-accused namely, CCL 'CS', as well as, Altaf had fired a pistol shot on the complainant on 27.09.2023.
4. The learned counsel appearing on behalf of the petitioner submits that



the petitioner and his father are the witnesses in the case FIR No. 548/2023 registered against the complainant and the other members of Vishal gang.

5. He submits that the present petitioner has been falsely implicated. He further submits that co-accused Altaf has already been granted regular bail by this Court *vide* order dated 08.10.2024 passed in BAIL APPLN. 3194/2024.

6. He further submits that the petitioner is in custody since 06.03.2024 and he has clean antecedents and is not a flight risk, therefore, he urges that the petitioner may be enlarged on bail.

7. *Per contra*, the learned APP has argued on the lines of the Status Report.

8. It is not in dispute that the real brother of the present petitioner was murdered by the members of Vishal gang in respect of which FIR No. 548/2023 has been registered at PS Mahendra Park and the present petitioner, as well as, his father are the star witnesses in the said FIR.

9. It is also not in dispute that the co-accused Altaf has already been enlarged on regular bail by this Court *vide* order dated 08.10.2024 passed in BAIL APPLN. 3194/2024.

10. The petitioner is in custody since 06.03.2024. On a query posed by the Court the learned APP, on instructions from the IO, fairly states that the petitioner does not have any criminal record and the injury suffered by the complainant was on his arm.

11. It is also not the case of the prosecution in the status report that the present petitioner is a flight risk.

12. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a



Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/JMFC/Duty JM, further subject to the following conditions:-

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

13. The petition stands disposed of.

14. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.

15. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

16. Order *dasti* under signatures of the Court Master.

17. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 17, 2025

N.S. ASWAL