



2025:DHC:4595



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

% **Date of decision: 28.05.2025**

+ **BAIL APPLN. 4814/2024**

SHEKHU @ SALMAN

.....Petitioner

Through: Mr. Suraj Prakash Sharma,
Adv.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Meenakshi Dahiya, APP
for State with SI Dinesh
Kumar, PS NIA Delhi.
Mr. Zeeshan Diwan and Mr.
Harsha, Advs. for victim.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. By way of the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks the grant of regular bail in FIR No. 193/2023 dated 25.01.2023 registered for offences under Sections 307, 323 and 34 of the Indian Penal Code, 1860 (IPC) and 25, 27, 54 and 59 of the Arms Act, 1959 at Police Station Narela Industrial Area.



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2. It is the case of the prosecution that the above said FIR was registered on the statement of the complainant, Aabid Malik. The complainant stated that on 25.01.2023, at around 02:00 AM, 10–11 boys came from the L-block, JJ Colony, Bawana, Delhi side and started attempting to jump over the boundary wall around the flats. Upon noticing this, the complainant raised his voice and sent the guards on duty at the other post. Fellow guards Deepak Sharma and Jalal were also called to the spot, and the boys were prevented from entering.

3. Subsequently, all the boys gathered in front of the back gate and began abusing the guards. Among them, 3–4 boys attempted to break open the gate by pushing it, but could not do so. The complainant and his fellow guards, who were inside the gate, showed sticks to the boys and asked them to leave. At this, the boys began pelting stones at them. One of the stones hit the complainant on the left side of his forehead, on which all raised a hue and cry.

4. At that point, one of the boys fired a bullet at the guards, although no one was injured. The boy then emptied his pistol, dropped the empty shell on the ground, and fired another round. Observing that the complainant was speaking on the phone, all the boys fled in the direction of L-block, JJ Colony, Bawana, Delhi. Even while fleeing, another boy drew a second pistol and fired two rounds into the air before fleeing the spot.

5. Thereafter, the police arrived at the scene and took the complainant to MV Hospital, Pooth Khurd, Delhi, where his medical



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examination was conducted. On the basis of this incident, FIR No. 193/2023 was registered.

6. During the course of investigation, on 26.01.2023, ASI Brijesh Kumar arrested accused Aman Abasi upon the identification by the complainant. The weapon of offence, i.e., a *desi katta*, was recovered from the bushes near the drain located behind L-Block, JJ Colony, Bawana at the instance of Aman Abasi. On the same day, accused Noor Alam, was also arrested at his instance and was duly identified by the complainant. A Charge-Sheet in this matter has already been filed.

7. Thereafter, on 28.03.2024, accused Shekhu @ Salman (petitioner herein) was arrested. Subsequently, a Test Identification Parade (TIP) was conducted on 23.04.2024, wherein the eyewitness, namely Deepak Sharma, correctly identified the petitioner and stated that the petitioner along with others attacked them and his accomplices fired on them. It is further submitted that a supplementary Charge-Sheet has already been filed against the petitioner. Further, eyewitness Jalal and complainant couldn't identify the petitioner.

8. The Charges have framed against petitioner on 04.10.2024 under Sections 307/323/34 of the IPC and the matter is presently at the stage of recording prosecution evidence.

9. The learned counsel for the petitioner submits that the petitioner is not the main assailant, as the gun shot was fired by the accused Aman Abasi.



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10. The learned counsel submits that the material witnesses of the prosecution have been examined on behalf of the petitioner, and out of the three such witnesses, two have not supported the case of the prosecution. He further submits that the testimony of the prosecution witness Deepak suffers from material contradictions.

11. He further submits that the petitioner has been in custody since 28.03.2024 and has undergone incarceration for a period of approximately 1 year and 1 month. It is submitted that the petitioner has clean antecedents. Furthermore, the co-accused Noor Alam has been granted bail by the learned Trial Court *vide* order dated 25.04.2023.

12. The learned APP for the State, while opposing the present bail application, submits that the petitioner, along with the co-accused, caused injuries to the complainant and his fellow guard by pelting stones.

13. He further submits that the presence of the petitioner at the scene of the incident is not disputed, and that the petitioner had absconded after the said incident and was apprehended on 28.03.2024.

14. The learned APP submits that prosecution witness Deepak has not only identified the petitioner during the TIP proceedings but has also identified him before the Trial Court.

15. The learned counsel for the complainant, Deepak, also opposes the bail application on grounds similar to those urged by the learned APP.



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16. Having heard learned counsel for the petitioner, learned APP for the State, as well as learned counsel for the complainant, this Court notes that, as per the nominal roll, the petitioner has been in custody since 28.03.2024 and his overall jail conduct is reported to be 'Satisfactory'. It is further noted that one of the co-accused, Noor Alam, having a similar role as that of the petitioner, has already been granted bail by the learned Trial Court *vide* order dated 25.04.2023. Additionally, it is not the case of the prosecution that the gunshot was fired by the petitioner.

17. In view of the conspectus of facts and circumstances, the petitioner is admitted to Regular Bail pending Trial in FIR No. 193/2023 dated 25.01.2023 registered for offences under Sections 307, 323 and 34 of the Indian Penal Code, 1860 (IPC) and 25, 27, 54 and 59 of the Arms Act, 1959 at Police Station Narela Industrial Area, on his furnishing a personal bond in the sum of ₹ 30,000/- with one surety in the like amount, subject to the satisfaction of the learned Trial Court / CMM / Duty Magistrate and further subject to the following conditions:-

- i. The Petitioner shall not leave the NCT of Delhi without prior permission of the learned Trial Court.
- ii. The Petitioner shall report at P.S. Narela Industrial Area, once a week i.e., every Saturday at 4:00 P.M for marking his presence.
- iii. The Petitioner shall immediately intimate the learned Trial Court by way of an affidavit and to the Investigating Officer



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regarding any change of residential address.

- iv. The Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- v. The Petitioner is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- vi. The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the Prosecution witnesses or other persons acquainted with the facts of case.
- vii. The Petitioner shall also not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending Trial.

18. It is made clear that no observations made above shall tantamount to be an expression on the merits of the petitioner's case and they have been made for the purpose of consideration of Bail alone.

19. A copy of this Order be sent to the Jail Superintendent concerned for information and necessary compliance.

20. Accordingly, the present Bail Application stands disposed of.

SHALINDER KAUR, J

MAY 28, 2025/SK

Click here to check corrigendum, if any