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

+ **BAIL APPLN. 134/2025**

MD. JUNAID

.....Petitioner

Through: **Mr. Nitesh S. Adv.**
versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: **Ms. Shubhi Gupta, APP for the State.**
Mr. Vishal Khari, Adv. for the
Complainant.
Insp. Subhash Yadav, PS Malviya
Nagar.
SI Pardeep Malik, PS Jamia Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

12.03.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 7855/2025(exemption)

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

CRL.M.A. 7854/2025(additional documents)

3. The application is disposed of.

BAIL APPLN. 134/2025

4. The present application under Section 439 read with Section 482 of the CrPC seeks regular bail in case FIR No. 145/2023, under Sections 364A/397/307/34 of the IPC, registered at PS Jamia Nagar.

5. The case of the prosecution is that the FIR was registered at the complaint of Mohd. Hamza, who stated that on 05.04.2025, the present applicant, who was a distant relative and a friend, called him in the evening



to meet him at Okhla, where the present applicant had come in his 'Baleno' car. It is the case of the complainant that the present applicant was sitting along with two other persons and took him to the Coffee Shop in Sector-16 Noida. Complainant further stated that the applicant and his associates bought cold coffee from the shop and offered him to drink the same and after drinking it, he began to feel dizzy. It is alleged that at that point of time, the applicant and his friends snatched his mobile phone and the applicant further started demanding the pin of his Paytm account. On the complainant's refusal to provide the same, he was man-handled by the applicant and his friends. It was further stated that when he did not agree to their demands, Junaid, the present applicant and his friends picked up the bricks near the canal and hit him with the same on his head several times, leaving him unconscious. It is the case of the prosecution that the complainant was found by a police patrolling man, who then brought him to Babu Banarasi Das Rajkiya Government Hospital, Bulandshahr, from where he was transferred by his relatives to Apollo Hospital.

6. Learned counsel appearing on behalf of the applicant submits that the statement of the complainant, who was examined as PW-1 before the learned Trial Court, is contradictory in nature. It is submitted that there is no CDR connectivity between the present applicant and the complainant. It is further submitted that the CDR relied upon by prosecution shows the applicant's presence at Bulandshahr and the same is on the account of the fact that he is also a resident of Bulandshahr. It is further submitted that the other co-accused person named by the complainant i.e., Shayan's presence is also doubtful on account of the fact that his CDR is not corroborating to his presence at the alleged crime spot. It is further submitted that the present applicant is falsely



implicated on account of his previous dispute between his father and the father of the complainant on some monetary issues.

7. *Per contra*, learned APP appearing on behalf of the State submits that the sequence of events and the MLC corroborates the allegations of the complainant with respect to the injuries suffered by him on hands of the present applicant. The CDR location of the applicant's phone shows his presence at Noida, where the Coffee Shop is situated and where the applicant was taken by the applicant and his friends, and thereafter, at Bulandshahr also. It is further submitted that PW-1 has been examined before the learned Trial Court who has supported the case of the prosecution. It is also pointed out that the MLC also supports the allegations made by the complainant.

8. Heard the learned counsel for the parties and perused the records.

9. The case of the prosecution is that on 06.04.2023, an information, at 09:18 PM, was received at Jamia Nagar Police Station *vide* DD Entry No. 91A regarding the missing of the complainant, Mohd. Hamza, by his brother, Mohd. Fahad Mustafa. Thereafter, the injured/complainant was found to be admitted at Babu Banarasi Das Rajkiya Government Hospital, Bulandshahr on 06.04.2023 from where he was brought to Apollo Hospital on 06.04.2023 at 12:00 AM. As per the records, the applicant was picked up from the spot in Bulandshahr near a canal by the patrolling police and brought to the Babu Banarasi Das Rajkiya Government Hospital. The applicant gave a statement on the basis of which the present FIR in the present case was registered. It is also noted that the MLC of the complainant corroborates the allegations made with respect to repeated assault on his head, the injury which is supposed to be grievous in nature and due to the same, he was admitted in the hospital for 3 days.



10. As pointed hereinabove, the CDR location of the applicant also corroborates the allegations of the complainant with respect to their presence at Coffee Shop in Noida, and thereafter, the applicant's presence in Bulandshahr.

11. In view of the aforesaid circumstances, no grounds are made out to grant bail to the present applicant at this stage.

12. The application is dismissed and disposed of accordingly along with pending applications, if any.

13. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.

14. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

15. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 12, 2025/kr

Click here to check corrigendum, if any