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

+ **BAIL APPLN. 4257/2024**

SHAHZADA IRFAN @ LALA

.....Petitioner

Through: Mr. Vineet Jain, Advocate and Mr.
Ali Mehdi, Adv.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State
with SI Narender Singh, P.S.Chandni
Mahal.
Mr. Atul Kumar Sharma, Adv. for the
complainant.

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+ **BAIL APPLN. 192/2025 & CRL.M.A. 1382/2025 DELAY 35 DAYS
IN RE-FILING OF PETITION.**

GAYASUDDIN @ GAYAS

.....Petitioner

Through: Mr. Seema Gupta, Advocate.
versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP with SI
Narender Singh, P.S.Chandni Mahal.
Mr. Atul Kumar Sharma, Adv. for the
complainant.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

20.05.2025

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1. By this common order, I propose to decide the bail applications filed on behalf of accused Shahzada Irfan @ Lala and Gayasuddin @ Gayas in case FIR No. 429/2023 under Section 307/385/506/120-B/34 IPC, PS



Chandni Mahal.

2. Learned counsel for the petitioner Shahzada Irfan @ Lala submits that complainant and his family are having grudge against him. On an earlier occasions also, two FIRs bearing No. 69/2012 and 79/2012 have been got registered against him and his brothers at the instance of the complainant. Petitioner Shahzada Irfan @ Lala has been in judicial custody since 17.11.2023. There is delay in registration of the FIR, inasmuch as, the incident took place on 05.11.2023, while the FIR was lodged on 06.11.2023.

3. It is submitted that no role has been attributed to the petitioner Shahzada Irfan @ Lala for causing any injury to any of the injured. His name does not figure with those involved in the alleged commission of crime. CCTV footage merely shows his presence at the spot.

4. Learned counsel for the petitioner Gayasuddin @ Gayas submits that petitioner has been implicated despite the fact that he was just trying to pacify the dispute between Tahir and Mohd. Rehan. He did not cause any injury to the victims and rather was beaten up with danda by Anas, one of the victims in the present case, as a result, he suffered head injuries and received 17 stitches on his head.

5. It is further submitted that injured Tahir and Anas were discharged from the hospital on the same day. The nature of injuries suffered by Tahir are simple in nature. It is also submitted that co-accused Nauman has already been granted bail by this Court vide order dated 19.12.2023 and hence on the ground of parity, petitioners are also entitled for the grant of bail.

6. Bail applications have been opposed by the learned APP, submitting that both the petitioners were actively involved in the commission of



offence. It is stated that petitioners are the BCs of the area and have chequered criminal history with multiple criminal cases being registered against them. The involvement of the petitioners could be seen in the seized CCTV footage. It is further submitted that one of the co-accused Salman is still absconding and action under Section 82 Cr. PC has been initiated against him. There is apprehension that if granted bail, petitioners may threaten the complainant and the other residents of the locality.

7. As per allegations in the FIR, petitioner Shahzada Irfan @ Lala and his brother Mohd. Rehan and Mohd. Nauman are the history-sheeters of PS Chandni Mahal. In the year 2012, Mohd. Nauman and Irfan had committed extortion and robbed the complainant Mohd. Tahir, due to which, FIRs No. 69/2012 and 79/2012 were registered against them. About one month prior to the occurrence, Mohd. Irfan again tried to extort Rs. 5 lakhs from Mohd. Tahir, but he refused to make the payment, upon which, he was threatened by Mohd. Irfan. On 08.10.2023, Mohd. Irfan and his associates robbed meat from the nephew of the complainant. Complainant lodged a complaint regarding this at PS Chandni Mahal.

8. On 05.11.2023 at about 8.45 pm, Mohd. Irfan, Gayasuddin @ Gayas, Mohd. Rehan and their associates gave leg and fist blows to Mohd. Tahir and attacked him with a bat. When Anas, nephew of complainant, tried to intervene, Mohd. Irfan, Mohd. Rehan and their associates hit a wooden bat on the head of Anas, as a result of which, he suffered injuries.

9. In order to falsely implicate the complainant and his family members, Mohd. Rehan and Gayasuddin, banged their head against the wall and inflicted injuries to themselves and thereafter fled away from the spot along with their associates.



10. Mohd. Rehan and his associates then went to the hospital and attacked Anas with surgical blade, causing him injuries.

11. Injured have already been released from the hospital; investigation is complete and charge sheet has already been filed in court. Petitioners are therefore not required for any investigation. Admittedly, all the eye-witnesses including the injured have already been examined, thus there is no likelihood of threatening or influencing the witnesses. Admittedly, one of the co-accused Nauman has since been enlarged on bail. Petitioner Shahzada Irfan @ Lala has been in custody since 17.11.2023 while Gayasuddin @ Gayas is in custody since 06.11.2023.

12. Keeping in view the long incarceration in custody of the petitioners as also the fact that all the witnesses have already been examined and one of the co-accused has since been released on bail, I deem it appropriate to admit both the petitioners on bail, subject to their furnishing personal bonds in the sum of Rs. 20,000/- with one surety of the like amount each to the satisfaction of the learned trial court/Duty Magistrate with the condition that petitioners shall appear before the trial court as and when directed and shall not threaten or intimidate the witnesses.

13. Both applications accordingly stand disposed of.

RAVINDER DUDEJA, J.

MAY 20, 2025

RM