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

+ **BAIL APPLN. 288/2024**

SOHIL ALAM

..... Petitioner

Through: **Mr. Manish Sahay and Ms. Shikha Yadav, Advs.**

versus

STATE GNCT OF DELHI

..... Respondent

Through: **Mr. Raghvinder Verma, APP for State with ASI Harbir SI Lalit Kumar Police Station Bindapur**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

O R D E R

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28.03.2024

1. The present petition has been filed under Section 439 CrPC seeking regular bail in connection with FIR No.425/2023 under Sections 307/324/34 IPC and Section 25/27 Arms Act registered at Police Station Bindapur.
2. The present case was registered on the complaint of Raj Kumar wherein he alleged that on 17.07.2023 at about 09.00 P.M., he entered “Gym wala park” for a walk, where all the accused persons were sitting and consuming drugs. Suddenly, all of them picked him up and started beating. Accused Salman stabbed him 3-4 times and thereafter all of them fled away.
3. The learned counsel for the petitioner submits that the petitioner is in custody since 19.07.2023 and no weapon has been recovered from the petitioner or at his instance.
4. The learned counsel for the petitioner submits that the role of the present petitioner is similar to that of Immamuddin @ Babu Khatri, co-accused in the case FIR who has already been granted bail by this Court.
5. He further submits that the main accused in the present petition is



accused Salman who stabbed the complainant / injured 3 – 4 times.

6. The learned counsel for the petitioner further submits that the injury suffered in the present case by the complainant is simple in nature.

7. He, therefore, urges the Court to enlarge the petitioner on bail.

8. Issue notice. Learned APP for the State accepts notice.

9. He, on instructions from the Investigating Officer who is present in Court, fairly submits that the role ascribed to the present petitioner is similar to that of co-accused Immamuddin @ Babu Khatri who has already been granted bail by this Court *vide* order dated 07.03.2024 passed in BAIL APPLN. 416/2024.

10. On a query posed by the Court, the learned APP on instructions, submits that the injury suffered by the complainant in the present case is simple in nature. He further fairly concedes that no recovery of weapon was made from the petitioner or at his instance.

11. The petitioner is in custody since 19.07.2023 and the investigation in the matter is complete, therefore, the custody of the petitioner is no more required.

12. The case is stated to be at the stage of framing of charges, therefore, the trial has not even commenced. Further, the prosecution has cited as many as 23 witnesses which means that conclusion of trial will take long time. In the given facts of the case the petitioner cannot be kept in custody for an indefinite period to await the outcome of trial.

13. It is also not the case of the prosecution as per the status report that the petitioner is a flight risk.

14. In view of the above, 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/CMM/Duty Magistrate, 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.

15. The petition stands disposed of.

16. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.

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

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

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

VIKAS MAHAJAN, J

MARCH 28, 2024/N.S. ASWAL