



SC : 50/2023  
FIR No. : 167/2022  
PS: Rajinder Nagar  
State Vs. Mehendi Hasan

15.05.2026

Present: Sh. Himanshu Garg, Ld. Addl. PP for the State.  
Sh. Shubham Prajapati, Ld. Counsel for accused  
Mehandi Hasan in I.A. no. 26/26.  
Sh. Ankaj Giri, Ld. Counsel for accused Mohd.  
Mustkeem in I.A. no. 27/26.

*I.A.No. 26/26: Application seeking bail on behalf of accused  
Mehandi Hasan.*

*And*

*I.A. No. 27/2026: Application seeking bail on behalf of accused  
Mohd. Mustkeem.*

1. Arguments on the applications were heard on 07.05.2026.
2. By this common order I shall decide the two bail applications filed on behalf of applicants/accused persons seeking regular bail.
3. Ld. counsel for the applicants submits that complainant has turned hostile. No recovery was effected from Mehendi Hassan. The son of the applicant is suffering from Leukaemia. The applicant Mehendi Hassan has never jumped the interim bail which has been granted from time to time.
4. In so far as Mustkeen is concerned it is submitted that he was arrested pursuant to the disclosure statement of co-accused. He is in judicial custody for last more than 4 years 11 months and only three witnesses have been examined out of 32 witnesses.

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5. On the other hand, Ld. Addl. PP for the State submits that allegations are quite serious in nature and there is sufficient material on record that accused were the perpetrators.

6. I have heard Ld. Counsels for the parties and perused the record.

7. Prosecution has cited 40 witnesses out of which only 3 witnesses have been examined till date. The nominal roll of accused Mehendi Hassan reveals that he has been in custody for 3 years 1 month and 1 day. Whereas, Mohd. Mustkeen has been in custody for 4 years 10 months and 25 days as on 13.05.2026. The accused has been charged for the offence punishable u/s 395/397/323/34 IPC, 25 and 27 Arms Act for committing dacoity with Nitin Dhawan. Nitin Dhawan has been examined as PW-3. In his examination in chief has failed to identify the accused persons as the one who had committed the aforesaid crime. There is nothing in the cross examination of PW-3 conducted by Ld. Addl.PP for the State, which could establish the identity of the accused. There are other witnesses to the incident i.e. Nitesh Sahni, Sanjeev Mishra and Anukul Mishra. On perusing the statement of the three witnesses recorded u/s 161 Cr.P.C., they have stated that they cannot identify the accused persons.

8. As per the charge sheet when the CCTV footage was checked it was found that all the four accused were wearing cap and had a face mask. The vehicle number could not be seen in

the CCTV footage. The other witnesses are all police officials and all formal witnesses in nature.

9. Considering the overall facts and circumstances, the applicant is admitted to bail on furnishing P/B and S/B of Rs. 25,000/-with one surety of the like amount to the satisfaction of this court/Ld. Link JMFC/Ld. Duty JMFC and also subject to the following conditions:

- a) *The applicant/accused shall under no circumstances leave the country;*
- b) *The applicant/accused shall inform the Court in the event of change of his address, within two weeks.*
- c) *The applicant/accused shall not commit any offence in the event of there being any FIR/DD Entry/ Complaint lodged against the applicant, it would be open to the State to seek cancellation of the application which application, if any, filed would be considered on its own merits.*
- e) *The applicant shall not contact the witnesses in any manner what so ever.*

10. The concerned Ahlmad is directed to bring to the notice of the Court, if the applicant/accused fails to furnish the bail bonds within 30 days from today, for conducting a review in terms of the judgment passed by the Hon'ble Supreme Court of India in the case of ***“In Re Policy Strategy For Grant of Bail” SMWP (Criminal) No. 04/2021*** dated 31.01.2023, wherein the guidelines are laid down in this regard.

11. Nothing said herein shall tantamount to any expression or opinion of this Court on the merits of this case and all the observations has been made only for the disposal of the present application.

12. Applications bearing I.A. No. 26/26 and 27/26 stands disposed off.

13. Copy of the order be given dasti to the Ld. Counsel for the accused free of cost. Copy of the order be sent to the Jail Superintendent for information.

(ANKUR JAIN-I)  
ASJ-04/Central/Delhi.  
15.05.2026

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