

State Vs. Saad Mirza @ Fardin & Ors. (Applicant Wahaj Mirza)
CNR No.: DLCT01-013471-2023
SC No. 525/2023
FIR No. 579/2023
Under Section 392/397/411/34 IPC
P.S Kotwali

09.06.2025

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Ayub Ahmed Qureshi, Ld. Counsel for the
applicant, namely, Wahaj Mirza.

ORDER

1. The present application is filed on behalf of the applicant, namely, Wahaj Mirza (hereinafter referred to as the “*applicant/accused*”) under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as ‘BNSS’*), seeking interim bail for a period of one month, to enable him to attend his marriage ceremony scheduled for 26.06.2025 with one Rahila D/o Mr. Imran.

2. Learned Counsel for the applicant outrightly submitted that the applicant’s marriage is scheduled to be solemnized on 26.06.2025 with Mr. Rahila D/o Mr. Imran at 1408, Gali Kallu, Khawaja Bazaar, Chitli Qabar, Jama Masjid, Delhi-110006. It was further submitted that the engagement ceremony of the applicant with Ms. Rahila was performed prior to the applicant’s apprehension in the present case and the applicant has now been told by Ms. Rahila’s father that in case the applicant does not marry with her, Ms. Rahila could be married elsewhere. Ld. Counsel further asserted that the applicant is in judicial custody since 17.07.2023 and trial is likely to take substantial time in its conclusions. Even otherwise, as per Ld. Counsel all the material witnesses have already been examined and there is no threat of any inducement, coercion etc.

of the said witnessed by the applicant. Even otherwise, as per the Ld. Counsel, the applicant is innocent and has been falsely implicated in the present case and has been languishing in judicial custody for a substantial time and the trial is likely to take considerable time. It was further argued by Ld. Counsel for applicant that there is no chance of the applicant absconding from trial and that the accused will not misuse the liberty of interim bail, if granted by this Court. Lastly, it was submitted by the Ld. Counsel that the applicant is ready to abide all the terms and conditions imposed by this Court while granting bail, including co-operating the investigating authorities, and making himself available for further investigation, as and when called for. Conclusively, Ld. counsel for the applicant prayed that the present application be allowed, and he may be released on interim bail.

3. *Per contra*, Ld. Addl. PP for the State vehemently opposed the present application on the ground that the applicant was actively involved in the commission of offence in the instant case, being grave in nature and that in case the applicant is admitted to the relief as sought for, serious repercussions may ensue, wherein the applicant may coerce, threaten the prosecution witnesses. Even otherwise, as per the Ld. Addl. PP for the State, no emergent circumstances are forthcoming from the material placed on record. Accordingly, Ld. Addl. PP for the State submitted that the present application may be dismissed.

4. The arguments of Ld. Counsel for applicant as well Ld. Addl. PP for the State are heard and the documents including the reply of the IO perused.

5. At the outset, it is observed from a perusal of the reply filed by the concerned IO that the factum of the proposed

marriage between the applicant and Ms. Rahila on 26.06.2026 stands confirmed/verified. However, the reply records that the proposed venue i.e. community hall has not been confirmed as neither any community hall was found at the address specified in the application nor any records thereof were determined. Apposite to reproduce the relevant extracts from the said report as under;

“...Now on receiving the interim bail application of Wahaz Mirza @ Fari, I was visited at his house about his marriage which is to be held on 26/6/25 as per the Marriage Card submitted with the interim bail application. Enquiry conducted at and around the locality and statement of his neighbors and relatives have been recorded and they stated that marriage of accused Wahaz Mirza @ Fari is fixed with Ms. Rahila D/o Mohd. Imran R/o 1408, Gali Kallu, Khawaza Bazar Chitli Qabar, Jama Masjid, Delhi-06 on 26/6/25. Further on enquiry no Community Hall existed at 1408, Gali Kallu, Khawaza Bazar Chitli Qabar, Jama Masjid, Delhi and nor booked any Community Hall for the above purpose of marriage on 26/6/25 as mentioned in the marriage card of accused. Moreover, the interim bail application of applicant Wahaz Mirza @ Fari is strongly opposed on the following grounds...”

(Emphasis supplied)

6. Notably, it is reiterated that the factum of proposed marriage of the applicant with Ms. Rahila has been confirmed, however, the proposed venue as community hall was not found. Nonetheless, the IO has confirmed as per the statements of one Mr. Mohd. Imran, father of Ms. Rahila and Ms. Ayesha, neighbour of Mohd. Imran, father of Ms. Rahila, the proposed marriage of the applicant along with Ms. Rahila at 1408, Gali Kallu, Khawaja Bazaar, Chitli Qabar, Jama Masjid, Delhi-110006 stands verified. Further, one Ms. Shabana and Nazma Begum, neighbours of the applicant have also confirmed the factum of such proposed marriage on 26.06.2025. Accordingly, under such facts and circumstances, in light of the

arguments addressed, this Court is inclined to grant interim bail on humanitarian ground, to the applicant in the terms and for the period specified hereinunder, considering that the applicant is due to get married with Ms. Rahila on 26.06.2025.

7. Consequently, in light of the aforesaid and considering that the applicant is scheduled to marry Ms. Rahila on 26.06.2025 and as per the verification report, the factum of said proposed marriage at 1408, Gali Kallu, Khawaja Bazaar, Chitli Qabar, Jama Masjid, Delhi-110006, stated to be the house of Rahila's father, has been verified, this Court deems it appropriate, in the interest of justice and on humanitarian grounds, to grant interim bail for the period of seven days as specified herein, to the applicant to attend his marriage scheduled to be held on 26.06.2025 **from 25.06.2025 to 01.07.2025 (both days inclusive)**. Further, in so far as the apprehension of Ld. Addl. PP for the State pertaining to the applicant's flight risk and/or tampering with the prosecution's witnesses/case is concerned, the same can be taken care of by imposing elaborate and stringent conditions (reference made to the decision in; *Abhishek Kumar Singh v. State of Himachal Pradesh, 2020 SCC Online HP 3296*).

8. Accordingly, in conspectus of the above and further keeping in view that the applicant is scheduled to marry Ms. Rahila on 26.06.2025 and as per the verification report, the factum of said proposed marriage at 1408, Gali Kallu, Khawaja Bazaar, Chitli Qabar, Jama Masjid, Delhi-110006, stated to be the house of Rahila's father, has been verified, this Court deems it appropriate, in the interest of justice and on humanitarian grounds, to allow the present application for interim bail *qua* the applicant and admit the applicant, namely, Wahaj Mirza to

interim bail for a period of **07 (seven) days** with effect from **25.06.2025 till 01.07.2025, both days inclusive**, upon furnishing of personal bond of **Rs. 20,000/- (Rupees twenty Thousand only)** **along with one surety of the like amount**, subject to the satisfaction of this Court and further subject to the following additional conditions that;

- (i) *the applicant/accused shall not commit offence similar to the offence of which the applicant/accused has/is suspected to have committed;*
- (ii) *the applicant/accused shall furnish to the Investigating Officer a cell phone number on which the applicant/accused may be contacted at any reasonable time and shall ensure that the number is kept active;*
- (iii) *the applicant/accused shall cooperate in any further investigation, as and when required and shall appear before the investigating agency/Court as and when called for, as per law;*
- (iv) *the applicant/accused shall not, directly or indirectly, contact or visit or offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of the case;*
- (v) *the applicant/accused shall not tamper with evidence, nor try to prejudice the proceedings in the matter in any manner; and*
- (vi) *the applicant/accused shall forthwith surrender with the concerned jail superintendent/authority, immediately upon expiry of the aforesaid period of interim bail.*

9. It is clarified herein that the observations made in the present order are only limited for the purpose of deciding the present application of the applicant/accused and would have no bearing on the factual matrix of the present case, which is a separate issue to be determined as per law.

10. In view of the above, the present application for interim bail of the applicant, namely, Wahaj Mirza is **disposed off as allowed** in the above terms.

11. A copy of the present order be given *dasti* to the **Ld. Counsel** for the applicant, namely, Wahaj Mirza as well as the IO.

12. Further, a copy of this order be **sent to the concerned Jail Superintendent** with the direction to hand over a copy of order to the applicant.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
09.06.2025