

State Vs. Saad Mirza @ Fardin & Ors. (Applicant Saad Mirza @ Fardin)

CNR No.: DLCT01-013471-2023

SC No. 525/2023

FIR No. 579/2023

Under Section 392/397/411/34 IPC

P.S Kotwali

01.07.2025

Present: Mr. Amit Dabas, Ld. Addl. PP for the State. (*through video conferencing mode*).

Mr. Ayub Ahmed Qureshi, Ld. Counsel for the applicant, namely, Saad Mirza @ Fardin.

ORDER

1. The present application has been filed on behalf of the applicant, namely, Saad Mirza @ Fardin (*hereinafter referred to as the ‘applicant/accused’*), in terms of provisions under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as ‘BNSS’*)/Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as ‘Cr.P.C.’*), seeking extension of interim bail.

2. Ld. Counsel for the applicant submitted that the applicant was granted interim bail by Ld. Vacation Judge/ASJ (SC-POCSO), Central, Tis Hazari Courts, Delhi *vide* order dated 23.06.2025 to attend the marriage of his real brother, namely Wahaj Mirza @ Fari. It was further submitted by Ld. Counsel that the applicant that since the applicant was in judicial custody in another case bearing FIR No. 102/2023, PS New Friends Colony, he was not released from custody in the present case despite the order of the Ld. Vacation Judge. However, as per the Ld. Counsel, Hon'ble High Court of Delhi *vide* its order dated 27.06.2025 permitted the applicant to interim bail for a period of seven days from the date of his actual release in FIR No. 102/2023, whereupon the applicant was released from judicial

custody only on 28.06.2025. Accordingly, Ld. Counsel has prayed that the period of interim bail may be extended for a further period in the present case, in consonance with the decision of the Hon'ble High Court of Delhi. Ld. Counsel further submitted that as per the order of Hon'ble High Court of Delhi, the applicant has been permitted interim bail till 04.07.2025. Ergo, Ld. Counsel has submitted that similar relief may be granted in the present case. As per the Ld. Counsel, the marriage of the applicant's brother has already been solemnized on 29.06.2025, however, the *chala* ceremony of the applicant's brother has been fixed for 03.07.2025 and the applicant is desirous to attend the said ceremony. Even otherwise, as per the Ld. Counsel, the matter has been settled between the parties and a quashing petition has also been filed before the Hon'ble High Court of Delhi. Further, as per Ld. Counsel, presence of applicant is essential to attend the aforestated ceremony. Ld. Counsel further submitted that there is no requirement of the applicant for further custodial interrogation and considering that the applicant is languishing in custody for quite some time, without any chance of conclusion of trial any time in near future, the present is a fit case to grant the relief, as prayed for, in favour of the applicant. Ld. Counsel further submitted that there are no chances of applicant fleeing from justice or tampering with the prosecution witnesses, if released on bail. Lastly, it was submitted that the applicant/accused has deep roots in the society and belongs to a respectable family, therefore, there are no chances of applicant/accused misusing the liberty of interim bail, if granted by this Court, besides, the applicant/accused is ready to abide by any terms and conditions which may be imposed by this Court while granting bail. Accordingly, Ld. Counsel submits that the present application may be allowed.

3. *Per contra*, Ld. Addl. PP for the State has submitted that the present application may be decided as per law.

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

5. At the outset, it is observed that the applicant was permitted to interim bail by the Ld. Vacation Judge, *vide* order dated 23.06.2025 for a period of seven days *w.e.f.* 25.06.2025 till 01.07.2025, both days inclusive on the applicant's *inter alia* furnishing personal bond in a sum of Rs. 20,000/- with one surety of like amount. Notably, the records demonstrate that the applicant was not released from custody despite issuance of release warrant, considering that he was in custody in case FIR No. 102/2023, PS New Friends Colony, under Sections 395/397/411/506/120B/34 IPC and Sections 25/27 of the Arms Act. Nonetheless, as aforementioned, since the applicant was permitted interim bail for a period of seven days from his release even in the said case by the Hon'ble High Court of Delhi pursuant to order dated 27.06.2025. Further, as aforementioned, the applicant was released from custody only on 28.06.2025. Consequently, in light of the aforesaid facts and circumstances and further considering that the *chala* ceremony of the applicant's brother has been fixed for 03.07.2025 and the applicant has expressed that he is desirous to attend the said ceremony, this Court deems it appropriate to extend the interim bail till **05.07.2025**, as per the same terms and conditions specified under order dated 23.06.2025 of the Ld. Vacation Judge. **It is clarified that the accused would surrender before the concerned jail after the expiry of the said period of interim bail.**

6. It is further clarified herein that the observations made in the present order are only limited for the purpose of

deciding the present application of the applicant, namely, Saad Mirza @ Fardin and would have no bearing on the factual matrix of the present case, which is a separate issue to be determined as per law.

7. In view of the above, the present application of the applicant, namely, Saad Mirza @ Fardin is ***disposed off*** as **allowed** in the above terms.

8. A copy of the present order be given ***dasti*** to the Ld. Counsel for the applicant, namely, Saad Mirza @ Fardin as well as the IO. Further, a copy of this order be **sent to the concerned Jail Superintendent** for record purposes.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
01.07.2025