

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

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, Wahaj Mirza.

ORDER

1. The present application has been filed on behalf of the applicant, namely, Wahaj Mirza (*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 this Court *vide* order dated 09.06.2025 w.e.f. 25.06.2025 till 01.07.2025, both days inclusive on the ground that he was proposed to get married on 26.06.2025. As per the Ld. Counsel, the applicant got married on 29.06.2025 and his chala ceremony is scheduled to be performed on 03.07.2025. Ld. Counsel further submitted that the applicant’s brother has been admitted to interim bail for the applicant’s wedding and other ceremonies till 04.07.2025 *i.e.* seven days from his release *vide* order dated 27.06.2025. Accordingly, Ld. Counsel has prayed that the period of interim bail may be extended for a further period in the present case, considering the ceremony scheduled for 03.07.2025. 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 aforesaid 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 this Court *vide* order dated 09.06.2025 for a period *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 applicant's brother has been granted similar relief till 04.07.2025, considering that the applicant's chala ceremony is scheduled for 03.07.2025 and Ld. Addl. PP for the State has not

opposed the present application, this Court deems it appropriate to extend the interim bail of the applicant till **05.07.2025**, as per the same terms and conditions specified under order dated 09.06.2025 of this Court. **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, Wahaj Mirza 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, Wahaj Mirza 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, Wahaj Mirza 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