

State Vs. Wahaj Mirza @ Fari
CNR No.: DLCT01-013471-2023
SC No. 525/2023
FIR No. 579/2023
Under Sections: 392/397/411/34/356 IPC
P.S Kotwali

16.10.2025

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

ORDER

1. The present application has been filed on behalf of the applicant, namely, Wahaj Mirza @ Fari (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’*), seeking interim bail for a period of forty days to enable the applicant to appear for his Secondary Class Examination under National Institute of Open Schooling for the academic year 2024-25.

2. Learned Counsel for the applicant submitted that the applicant is a student of National Institute of Open School and his examinations for the said standard are commencing from 14.10.2025 and would last till 18.11.2025. Ld. Counsel further submitted that if the interim bail is not granted to the applicant then the applicant would suffer irreparable loss. It was further submitted by Ld. Counsel that the applicant has been granted interim bail by this Court on several occasions and he has never misused the liberty so granted to him and had duly surrendered well within time after expiry of the said bail period. As per the Ld. Counsel, the applicant has been in judicial custody for quite some time, without there being any chance of conclusion of trial

anytime in near future. It was further submitted that since the investigation in the instant case has already concluded, no useful purpose would be served in keeping the applicant in continued detention. Ld. Counsel has also placed on record, the examination date sheet and hall ticket of the applicant. Accordingly, Ld. Counsel submitted that present application may be allowed, in the interest of justice.

3. *Per contra*, Ld. Addl. PP for the State contended that the applicant is actively involved in the commission of offence. It is was further submitted that the applicant is involved in heinous case and there is a possibility of applicant fleeing from justice and jumping bail, if the said concession is granted by this Court. Accordingly, Ld. Addl. PP for the State prayed that the present application may be dismissed.

4. The arguments of Ld. counsel for applicant and that of Ld. Addl. PP for the State, heard as well as case record(s) have been thoroughly perused.

5. It is outrightly observed from a perusal of the report dated 15.10.2025, filed by SI Ramesh Chand that the hall ticket/admission slip has been duly verified from Chowgule Public School. However, from the perusal of the case records, it is observed that the allegations against the applicant are quite serious in nature, wherein the applicant along with his co-accused persons is asserted to have committed robbery upon the complainant. Further, part robbed amount of Rs. 1,50,000/- was also recovered from the possession of the applicant. Pertinent to note that the applicant has been correctly identified by the complainant, during his evidence before the Court, as one of the perpetrators of the offence in question, besides specific and

active role in the commission of robbery has been attributed by the complainant *qua* the applicant. Accordingly, under such circumstances, this Court is of the considered opinion that no exigent/emergent circumstances are forthcoming, convincing this Court to grant the relief as prayed for at the present stage. Needless for this Court to reiterate that the fundamental principle governing the grant of interim bail is that such a relief may be granted only under compelling circumstances (Refer to; ***Athar Pervez v. State, 2016 SCC OnLine Del 6662***). However, it is reiterated that no compelling ground and/or reason is demonstrable on behalf of the applicant.

6. Consequently, in conspectus of the above and further keeping in view the nature and gravity of the case/offence, the fact of applicant is involved in a crime of heinous nature, severity of punishment, manner of commission of offence and the apprehension expressed that if granted bail, the applicant may flee from justice, this Court does not deem it fit to grant interim bail to the applicant at this stage. Needless, to further reiterate that the applicant has further failed to establish any compelling reasons for grant of interim bail at this stage.

7. Accordingly, the application for interim bail in respect of the applicant, namely, Wahaj Mirza @ Fari is ***dismissed***. However, at this stage, this Court deems it pertinent to note that any application for custody parole may be considered by this Court, if/ as and when moved by/ on behalf of the applicant.

8. **A copy of order be sent to the concerned Jail Superintendent** with the direction to deliver it to the applicant. A

copy of order be given ***dasti*** to Ld. Counsel for applicant as well as IO.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
16.10.2025