

IA No. 42/2020
Afzal @ Pehalwan @ Mota Vs State
SC No. 144/2019

In re:-

FIR No. 37/2019
PS Dayalpur
U/s 302/120-B/34 IPC

06.01.2021

Present: Sh. Kapil Singhal, Ld. Counsel for applicant.
Sh. Sunil Dutt, Ld. Substitute Addl. PP for the State along with
Inspector Hukum Singh Lodhi.

Further submissions on the application heard.

The applicant is in custody in the present case and is praying to release on interim bail with the submissions that his role is similar to the co-accused namely Arif @ Tasleem and Sunil Malik @ Sonu as his name is disclosed by co-accused Afzal @ Chote and there is no evidentiary value of the disclosure statement as per law. It is submitted that co-accused Arif @ Tasleem, Sunil Malik @ Sonu and Charanjeet @ Daboo has already been granted interim bail till 30.01.2021 so the applicant is also entitled for interim bail on the ground of parity.

On the other hand, the bail application is opposed with the submissions that the applicant is hard core criminal and is aide of Kamaljeet @ Bittoo, a habitual criminal having 47 criminal cases against his name. It is submitted that if the applicant is released on bail, he may threaten the witnesses.

The role of the applicant in the present case as per record is that he was following the vehicle of victim on a motorcycle with co-accused Arif @ Tasleem and they both were having pistols. Co-accused Arif, Sunil Malik and

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Charanjeet @ Daboo were admitted on interim bail awaiting the FSL report and considering the facts of the case. The period of their interim bail is being extended in view of the orders of Hon'ble High Court of Delhi. Now the case is listed for 30.01.2021 and considering the totality of the facts of the case and the period of custody, the applicant is also admitted to interim bail till 30.01.2021. The applicant be released from the custody on furnishing of bail bonds in the sum of Rs. 50,000/- with one surety of like amount.

Copy of the order be sent to the parties as well as to jail authorities through mail.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East/ Delhi 06.01.2021