

SC No.166/2024
State vs. Salman Haider @ Maan
FIR no.103/2024
PS Dayalpur
u/sec.307/323/34 IPC
05.08.2025

Present: Sh. Ghanshyam, ld. Addl. P. P for the State.
Sh. Zahoor Mehndi, ld. counsel for the
accused/applicant Salman Haider @ Maan.
IO SI Rajiv Kumar in person.

1. Heard on bail application of applicant/accused Salman Haider @ Maan. It is stated that it is the first bail application of accused/applicant.

2. After filing of charge sheet, charge was framed against the applicant/accused u/sec. 307 read with Section 34 IPC and u/sec. 323 read with Section 34 IPC on the allegations that on 16.01.2024, at about 8:30 pm, within the jurisdiction of Police Station Dayalpur, Delhi, applicant/accused along with one Shehzad and Imran in furtherance of their common intention caused injury to Monu @ Lala with sharp edged weapon i.e. knife with such intention and knowledge and under such circumstances that if by the injury sustained, Monu @ Lala would have died, then applicant/accused would have been guilty of murder and further that in furtherance of his common intention along with two other persons, he voluntarily caused hurt to one Salman.

3. Accused is continuously in JC since 17.01.2024. He is aged about 25 years. It is stated that presently he is pursuing his studies through open school.

4. Ld. Addl. P P opposed the bail application stating that injured has not been examined; accused is facing about seven other cases; he is a person of criminal background; there is apprehension that accused may run away from the trial or temper with evidence.

5. Ld. defence counsel submit that there is no material on record that applicant/accused has ever been convicted in any case; he is facing trial in other cases and he has been falsely implicated. It is submitted that both the injured were discharged from the hospital. Despite summons from the Court, the complainant/injured has not turned up for his evidence and so far only one witness has been examined. It is also submitted that applicant/accused is a permanent resident of Delhi, which is also confirmed by the IO in his report.

6. I have considered the respective submissions and material on record.

7. Record reflects that summons have been issued to PW Monu (injured/complainant), but so far he could not be served despite opportunities. Only one formal witness has been examined in this case. Conclusion of trial is going to take some time. During course of arguments, it is reflected that MLC of complainant/injured Monu has not been filed on record. IO stated that MLC of injured Monu was misplaced and now he has applied for taking certified copy of the MLC from the hospital. It is not in dispute that applicant/accused is continuously in JC since 17.01.2024. Bail cannot be declined as a punishment to the accused. It is settled principle of law that bail is a rule and jail is an exception.

8. Keeping in view the young age of the applicant/accused, the period of custody already undergone by him and the stage of trial, applicant/accused Salman Haider @ Maan is admitted on bail on furnishing personal bond of Rs.25,000/- with two sureties of like amount. Bail application is accordingly allowed.

i) Applicant/accused Salman Haider @ Maan is directed not to contact any of the prosecution witnesses and will not temper with evidence.

- ii) He is directed not to leave territory of Delhi without prior permission of this Court.
- iii) He is directed to appear before this Court on each and every date of hearing.
- 9. Put up for the date fixed i.e. 20.08.2025 for the purpose fixed.

(SANJEEV JAIN)
Principal District & Sessions Judge,
North-East District, KKD/Delhi/05.08.2025