

16.03.2023

Present: Sh. Vikas Kumar, Ld. Addl. PP for the State.
Sh. Joginder Tuli, Ld. Counsel for applicant.

1. Arguments have been heard on the bail application of accused/applicant Md. Shakil. Ld. Counsel for applicant Md. Shakil has submitted that period of around 1 year has been spent in custody by the applicant Md. Shakil. He is running in JC since May 2022. Challan has been filed and matter has already been committed for trial and therefore, since the applicant is not required for any investigation purposes or otherwise, he be admitted to bail.

2. On the other hand, Ld. Addl. PP for the state has opposed this bail application saying that at the time of incident, accused Asif had stabbed the victim thrice on vital part. Other accused persons Afsar and Mohd. Shakil caught hold of the victim while Asif stabbed him repeatedly so that he might not run away in order to save his life. Victim is real Mama of accused Asif. Accused Afsar is father of accused Asif and Jija of the victim. Md. Shakil is a friend of accused Afsar.

3. After the incident, the victim remained hospitalized for some days. He was taken to the JPC hospital where the doctors referred him to higher centre i.e. GTB Hospital. Thereafter, the victim was referred to further higher centre and taken to RML Hospital. The injury suffered by this victim has been opined to be dangerous which means life threatening.

4. The matter was fixed for evidence of victim today. He could be only partly examined as the clothes of victim were sent to FSL. The FSL opinion on the same is still awaited. Needful directions in that regard have been issued today in the separate order passed.

5. Ld. Counsel for applicant has relied upon some judgments:- (i) Deepak Gupta Vs. State of NCT of Delhi: 2023/DHC/00575, (ii) Raju Vs. The State of M.P. I have considered the same. In my view, those orders are passed on their own facts and cannot be read to interpret as laying down a time limit after which an accused must be admitted to bail.

6. Considering the gravity of the allegations against applicant and further considering that evidence of material witnesses is yet to be recorded, I am not inclined to admit him to bail, as prayed. Application is dismissed. Copy of this order be given dasti to Ld. Counsel for applicant.

(Savitri)
ASJ-02(NE)/ KKD/Delhi
16.03.2023