

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 Afsar. Ld. Counsel for applicant Afsar has submitted that period of around 1 year has been spent in custody by the applicant Afsar. 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 ld. Addl. PP has argued that cruel conduct of the applicant that too to such a close relative of him, must dis-entitle him to bail at this stage when material public witnesses have not yet been examined in full. Not only this the accused persons even got lodged an

FIR against the victim at the instance of daughter of accused Afsar, while still inside the jail, which might be a ploy to put pressure for compromise on the victim side.

5. 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.

6. 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.

7. 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  
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