

SC 69/2025
STATE Vs. JUBER
FIR No. 839/2024
PS Bhalswa Dairy
U/s.103(1)/109(1)/3(5) BNS Act
& U/s. 25/27 Arms Act

17.03.2025

File taken up today on an application U/s. 439 Cr. P. C for grant of regular bail moved on behalf of applicant/accused **Vakeel Malik.**

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
Sh. Rajuddin Khan, Ld. counsel for applicant/accused.
IO/Inspector Manish Bhati in person.

Reply to the above said application has been filed by IO. Same is taken on record. Copy of the same supplied to Ld. Counsel for applicant/accused.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC and he has been falsely implicated in the present case. It is further submitted that applicant/accused has nothing to do with the alleged offence and he was not in Delhi and his mobile location is out of Delhi and hence complainant in collusion with the police officials of PS Bhalaswa Dairy intentionally and deliberately included the name of applicant/accused in the present FIR. It is further submitted that applicant/accused is not shown in the CCTV Footage which was produced by the IO with the chargesheet. It is further submitted that there is no any evidence against the applicant/accused to connect him with the commission of the alleged offence and even the other co-accused persons not disclosed the name of the applicant/accused in any role in the present case. It is further submitted that all the investigation has already been completed and charge-sheet has already been filed without arrest of

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applicant/accused. It is further submitted tht there is no involvement of the applicant/accused in the present case, however, only the reason the applicant/accused is the younger brother of the co-accused Shakeel Malik and due to this reason the name of the applicant/accused intentionally and deliberately mentioned in the FIR. It is further submitted that applicant/accused is no more required for custodial interrogation. It is prayed that above said application may kindly be allowed.

On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Briefly stated, the present FIR bearing no. 839/2024 has been registered at PS Bhalaswa Dairy U/s. 103(1)/109(1)/3(5) BNS Act & U/s. 25/27 Arms Act with the allegations that applicant/accused **Vakeel Malik** and his co-accused persons had fired upon the victims. Perusal of the statements of eye witnesses as well as statement of deceased Naushad given prior to his death shows that applicant/accused **Vakeel Malik** had actively participated in the commission of the alleged offence. In the present case charge-sheet has been filed only qua co-accused persons namely Juber, Shakil

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Malik @ Akil and Ankit @ Vicky. Further, the status of applicant/accused **Vakeel Malik** was absconding at the time of filing of main chargesheet. On being asked, IO has informed that applicant/accused **Vakeel Malik** has not joined investigation till date and he is evading his arrest.

Keeping in view of the above discussion and also considering the severity and the gravity of offence as well as seriousness of allegations, the present bail application of applicant/accused **Vakeel Malik** is hereby dismissed.

Nothing stated herein shall tantamount to any expression of opinion the merits of the case. Copy of order be given dasti to the concerned parties. The present bail application file be tagged with the main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
17.03.2025

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17.03.2025

File taken up today on an application U/s. 483 BNSS for grant of bail moved on behalf of applicant/accused **Juber**.

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
Sh. Mukesh Singh, Sh. A. C. Jha and Sh. S. Muli
Manohara, Ld. Counsels for applicant/accused.
IO/Inspector Manish Bhati in person.

Reply to the above said application has been filed by IO. Same is taken on record. Copy of the same supplied to Ld. Counsel for applicant/accused.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC since 23.10.2024 and he has been falsely implicated in the present case. It is further submitted that applicant/accused has nothing to do with the alleged offence and has never been involved in any offence at any point at any time. It is further submitted that investigation has already been completed on the part of applicant/accused and chargesheet has already been filed. It is further submitted that nothing has been recovered from the possession of present applicant/accused, if any, the same is planted. It is further submitted that applicant/accused is no more required for further custodial interrogation and no fruitful purpose would be served to keep the applicant/accused behind the bar. It is prayed that above said application may kindly be allowed. **SC 69/2025**

On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is prayed that the above said application may kindly be dismissed.

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This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Briefly stated, the present FIR bearing no. 839/2024 has been registered at PS Bhalaswa Dairy U/s. 103(1)/109(1)3(5) BNS with the allegations that applicant/accused **Juber** and his co-accused persons had fired upon the victims. Perusal of the statements of eye witnesses as well as statement of deceased Naushad given prior to his death shows that applicant/accused **Juber** had actively participated in the commission of the alleged offence. In the present case trial is at initial stage as charges are yet to be framed and material witnesses are yet to be examined. Releasing applicant/accused Juber on bail at this stage may cause serious threats to eye/material witnesses.

Keeping in view of the above discussion and also considering the severity and the gravity of offence as well as seriousness of allegations, the present bail application of applicant/accused **Juber** is hereby dismissed.

Nothing stated herein shall tantamount to any expression of opinion the merits of the case. Copy of order be given dasti to the concerned parties. The present bail application file be tagged with the main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
17.03.2025