

IA No. 03/21
State Vs. Aamish @ Mohsin @ Bhura
FIR No. 492/20
P.S: Seema Puri
Under Sec.: 307/34 IPC & 25/27 Arms Act

26.07.2021

Today, the Court is holding hearing of cases through video conferencing in compliance of circular no. 6233-6256/Judl./SHD/2021 dated 23.07.2021 issued by the Office of the Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.

Main file taken up today on an application seeking regular bail of accused Aamish @ Mohsin @ Bhura.

Present: Mr. Rakesh Kumar, Addl. PP for State.

Col. Mr. Amit Sisodia for applicant.

1. By way of this 2nd application under section 439 Cr.P.C. applicant/accused Aamish @ Mohsin @ Bhura seeks his regular bail for the aforementioned offences in case FIR No. 492/20 registered against him at P.S. Seema Puri.
2. It is submitted that bail application filed earlier on behalf of applicant stood disposed off as withdrawn by order dated 07.07.2021. It is submitted that the charge-sheet after conclusion of investigation has been filed in January 2021 and the trial of the case shall take considerable time on account of the ongoing pandemic situation. It is submitted that the applicant has been falsely implicated by police and police officials of P.S. Seema Puri barged into the house of accused/applicant stating that he was wanted in some enquiry and as such the applicant was

falsely implicated in the present matter.

3. Another point urged on behalf of applicant is that the alleged incident took place on 01.11.2020 but the FIR was registered only on 02.11.2020 and delay of one day has not been explained by the prosecution. It is argued that it is unbelievable that after the alleged incident at around 10.30 pm, complainant did not make any PCR call from near the spot nor reached the Police Station after the alleged incident and this itself creates doubts over the version of the complainant besides the happening of such an incident on 01.11.2020. It is argued that even if it is presumed that the applicant fired a bullet towards complainant, the question of escaping the complainant unscathed does not arise as both were in close proximity and as such, the theory of misfiring of the bullet also cannot be believed.
4. It is further submitted that the version of complainant recorded in FIR as well as in his statement recorded later on are contradictory to each other in the sense that in later statement, complainant stated that no one had come to his house and that the accused had met him by chance while he was going through the street; as such the story of the prosecution is sans any trustworthiness. Ld. Col. submits that the accused is languishing in jail since 10.11.2020 and the matter is at the initial stage where the charges are pending consideration. In the situation of ongoing pandemic, it will take considerable time to even commence the trial before Courts. Ld. Col. thus requests for enlargement of the applicant on bail and states that

applicant shall abide by the terms and conditions, if any, imposed by this court, if application be considered.

5. Per contra, Ld. Addl. PP has opposed the bail application by referring to the nature of allegations against the applicant and his role ascribable to him as recorded in statement of complainant Aman.
6. I have heard respective submissions addressed on either side and perused the material on record. The present case was registered on the complaint of complainant Aman @ Sohail who described about the incident of altercation of his brother with one Asif on 01.11.2020 at 10.30 pm and stated that he was called by said Asif through one unknown boy near 'Ration Wali Gali'. He reached and found the applicant and Asif on scooty there. The applicant Aamish @ Mohsin got enraged and co-accused Asif exhorted the applicant on which the applicant extended filthy abuses and took out country made pistol type weapon and asked the complainant as to how he had slapped his friend Asif. He instantly fired a bullet shot at the complainant, which somehow got misfired and hit one passerby named Jai Prakash. The complainant got perplexed and fled from the spot for his life.
7. The contents of the charge-sheet would indicate that on account of such perplexity, the complainant could not report the incident on that day. The MLC of the injured Jai Prakash shows the gun shot injuries at his left forearm and left hand. The IO states that the radiology opinion as well as the x-ray of the injured is still awaited and would be filed

in the course of time. The accused was arrested on 10.11.2020 and a country made pistol alongwith scooty used in the commission of crime were recovered from his possession. The allegations in the FIR specifically name the applicant who actively participated in committing crime by firing bullet at the complainant. The Status Report filed by IO indicates that the applicant is also involved in another criminal case FIR No. 354/17 u/s 399/402 IPC & 25 Arms Act registered against him at P.S. Seema Puri.

8. Considering the facts and circumstances as observed above and looking into the nature and seriousness of offence in which the applicant is involved, no ground for bail is made out to the applicant.

Hence the bail application of applicant Aamish @ Mohsin @ Bhura stands dismissed.

Copy of this order be given dasti to the parties including IO/be sent to them through whatsapp/email/telephonically. The digitally signed order-sheet of the undersigned be placed on record.

(Ms. Ravinder Bedi)
ASJ-02/E-Court/ Shahdara
KKD/Delhi/26.07.2021