

SC No. 145/2022
FIR No. 377/2021
State Vs. Junaid Khan and ors. (**applicant Faizan**)
P.S. MadhuVihar
Under Sec. 186/353/332/307/429 IPC.
11(1)(L) of Prevention of Cruelty of
Animals Act & 27 Arms Act.

26.08.2022

This bail application is fixed for clarification, if any / orders.

ORDER

1. By way of this application under Section 439 Cr. PC, applicant/accused has sought regular bail for aforementioned offences. The present bail application has emanated out of pending trial before the court of undersigned.
2. Ld. Counsel for applicant/accused has submitted that applicant/accused has been falsely implicated in the present case; that the case property allegedly recovered from applicant, has been planted upon him; that applicant is in JC since 27.10.2021; that investigation of the case has already been completed and charge-sheet has been filed; that applicant/accused is not required for any custodial interrogation; that applicant is the only bread earner of his family. Thus, Ld. Counsel has requested for enlargement of applicant/accused on bail. It has been further submitted that applicant/accused is ready to abide by all the conditions imposed by the court if he is enlarged on bail.

3. Per contra, Ld. Addl. PP for the State has opposed the bail application while referring to the allegations mentioned in the FIR. He contends that applicant/accused is involved in serious offence in which the police vehicle was hit and upon firing gunshot towards the police official by applicant/accused, all the accused persons fled away from the spot; that applicant/accused can commit similar type of offence again; that applicant/accused may abscond from the court proceedings. Therefore, he has prayed for dismissal of the present bail application.
4. I have heard the arguments addressed on behalf of both the sides and perused the material available on record.
5. In brief, as per FIR, on 24.10.2021 at about 4 am, on the information of one motorcycle rider, complainant HC Naveen Kumar reached near Red Light Telco T-Point near the wall of nala where one Sedan car of white colour was found parked on the road facing Hasanpur Depot and one person was already seated on the driver seat in the said car. However, after seeing the complainant, who was in uniform at that time, 3-4 persons tried to run away from there in the said car and when the complainant tried to stop them, they hit his motorcycle due to which he fell down from the said motorcycle. Thereafter, Ct. Joginder, who was the pillion rider, also tried to stop the car, then the applicant/accused who was seated on the back seat of the car, fired upon him. Thereafter, the complainant tried to take out his pistol, but applicant/accused again fired towards him and fled away from there. The applicant/accused was arrested on

26.10.2021 alongwith co-accused persons and they were identified by the complainant on the spot. It is clear that accusations levelled against the applicant/accused are serious in nature, whereby applicant/accused had fired gunshot which hit the complainant in his chest. Photographs of the injury sustained by complainant, have been placed on record, which speaks for themselves. Further, the said injury is corroborated by the final opinion given by the Doctor of AIIMS hospital as “grievous in nature and could have been caused by firearm”.

6. Furthermore, considering the audacity of the act alleged against the applicant/accused, the possibility of committing similar offences in future cannot be ruled out, in case bail is granted. Therefore, in view of facts and circumstances in totality, this Court is not inclined to grant regular bail to the applicant/accused. Accordingly, the application stands dismissed.

(Vineet Kumar)
ASJ-02/E-Court/Shahdara
KKD/Delhi/26.08.2022