

SC ID no. 249/2021

IA No. 02/22

State Vs. Salman

FIR No.301/21

P.S. Nand Nagri

U/s. 307/34 IPC

04.03.2022

Present : Sh. Rakesh Mehta, Ld. Addl. PP for the State.

Mr. Rais Farooqui, Ld. Counsel for applicant/accused.

Deputed IO/SI Gaurav Yadav in person. Reply is filed.

This is an application for grant of bail u/s. 439 Cr.P.C as filed on behalf of above named applicant/accused.

Ld. Counsel for applicant/accused argued that applicant is in JC since 25.05.2021 and has been falsely implicated in the present case. It has been submitted that complainant, who as per case of prosecution is also an eye witness of the incident as well as friend of the injured but he did not try to save the injured. Ld. Counsel for applicant further argued that the said complainant neither made a call at 100 number nor accompanied the injured to the hospital. Ld. Counsel for applicant further argued that nothing has been recovered at the instance of applicant and alleged recovery of knife is planted one. It has been submitted that applicant has clean antecedents and is ready to abide by any condition imposed by the court.

Per contra, bail application is opposed by Ld. Addl. PP for

the State while arguing that there are specific allegations against the applicant and at first instance he gave a blow of knife upon the injured Rashid and when Rashid ran away towards park to save himself, applicant alongwith co-accused chased him and applicant also stabbed in the abdomen of the injured. Ld. Addl. PP further argued that allegations against applicant are grave and serious in nature and in case applicant is granted bail, possibilities to temper with prosecution evidence cannot be ruled out.

In brief, as per FIR, on 23.05.21, complainant Aleem alongwith his friend Rashid and one relative of Rashid namely Md. Rashid @ Raja was standing in front of Gali no. 9, H-Block Park and they were talking with each other. At some distance from them Salman and his friend were standing near a Scooty no. DL 5SCF 3600 and as soon as the attention of Salman went towards Rashid, he alongwith his companion started coming towards them while carrying knives in their hands. Salman told Rashid "Pichhli Baar To Tu Bach Gaya Tha Lekin Is baar Tujhe Nahi Chhodenge". One year prior to the incident also, a quarrel had taken place between Salman & Rashid. Salman gave a blow of knife upon Rashid and Rashid in order to save himself caught hold the knife from his right hand and thereupon, Rashid after pushing the friend of Salman started running towards a street in front of a park. Salman and his friend started chasing Rashid and caught hold him near the house of his Mausi and friend of Salman gave a blow of knife on the back of Rashid and the friend of Salman asked him "Jaldi Chaku Maro Aur Niklo Yaha Se". Thereupon, Salman gave

a blow of knife on the abdomen of Rashid and thereafter, they both ran away. Salman and his friend both with an intention to kill Rashid gave several blows of knife to Rashid.

As per injured, earlier also a quarrel had taken place between him and applicant/accused Salman in the month of February but no complaint was made and he came to know that applicant was in his search to beat him and on the day of incident, applicant at first instance attacked upon him and later on when he went to park, he stabbed on his abdomen. One Scooty no. DL 5SCF 3600 was also found lying near the spot, which was used by accused persons and later on, it revealed that same was registered in the name of brother of applicant. As per opinion of medical board, the nature of injuries is grievous with potential of life threatening injury with mortality and fortunately injured was recovered.

Keeping in view the totality of facts and circumstances of the case, at this stage, I am not inclined to grant bail to the applicant/accused. Accordingly, bail application stands dismissed.

A copy of this order be given dasti to Ld. Counsel for applicant/accused as well as IO.

(Sanjeev Kumar Malhotra)
ASJ-04/Shahdara
KKD Courts/Delhi/04.03.2022