

**SC NO. 464/2022**  
**IA NO. 02/23**  
**STATE VS. JAHANGIR**  
**FIR NO. 583 /2022**  
**PS WELCOME**  
**U/S. 336/34 IPC**  
**& 25/27 ARMS ACT**

**10.05.2023**

Present: Sh. Anil Kumar, Ld. Addl. PP for State.

None for the applicant/accused.

1. Arguments have already been heard.
2. This is third application for grant of regular bail moved on behalf of applicant/accused, under Section 439 Cr.PC. stating that in the CCTV footage collected by police officials applicant/accused is not showing the accused Jahangir firing and that no incident happened at any point of time and that no grievous injury was inflicted upon any person and accused has been falsely implicated under Section 307 IPC.
3. Ld. Counsel submitted that first and second bail applications of accused has been dismissed on 15.11.2022 and 03.01.2023. He further submitted that applicant has not committed any alleged offence in any manner and has been falsely implicated in the present case and has been in judicial custody since 04.09.2022. Ld. Counsel further submitted that co accused has already been granted bail by J.J. Board. He further submitted that nothing has been recovered from the possession of applicant and is the only bread earner of his entire family and except applicant there is nobody to care and look after his family.
4. Reply to the bail application has been filed by the IO wherein it is stated that DD No. 50A, dated 04.09.2022 was registered on the complaint of Kamruddin who stated that in front of his factory, family of faizan is residing and two boys, namely, Jahangir and 'S' who are residing in Welcome and at around 12 o'clock Jahangir came to complainant and stated something to him and thereafter, he came

again with 'S' and started firing and told that "dekhta hai tuh paise kaise nahi dega, aaj toh bach gaye ho aage jaan se maar dege" and fled away from the spot. Thereafter crime team inspected the spot and empty cartridges were also lifted. On 12.09.2022, accused Jahangir was arrested. Accused Jahangir has fired at Kamruddin's factory after going inside when he refused to give money and his worker sat down and the bullet hit on the wall.

5. In the present case, when the CCTV footage was played in the court in which both the accused persons 'S' and Jahangir were seen carrying pistols and juvenile 'S' can be seen firing. Furthermore, 'S' was juvenile at the time of commission of offence and he disclosed that pistol of Jahangir was with him. Accused can also be seen carrying fire arm and entering and exiting the factory of complainant, though, he cannot be seen firing in the CCTV footage but the same is because CCTV was installed outside and as per the prosecution case accused Jahangir had fired inside the factory at the worker of the complainant who was sat down and the bullet hit on the wall. In the present case, complainant has categorically stated the fact that on 04.09.2022 when he refused to give money both accused Jahangir and 'S' started firing and told that 'aaj toh bach gaye ho aage jaan se maar denge' and fled away from the spot. Though, ld. counsel has highlighted the discrepancies in the chargesheet filed by the IO, however, detailed appreciation of the facts is not warranted at this stage of deciding the bail application. The eye/public witnesses are yet to be examined and there is every possibility that if granted bail, then the accused may influence the witnesses. The allegations against the accused are also serious in nature.

6. 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.

Copy of the order be given dasti.

**(KIRAN BANSAL)**  
**ASJ-04, Shahdara/KKD Courts,**  
**Delhi/10.05.2023**