

SC NO.99/2023 I.A. No.04/24
STATE VS. ANAS & Ors.
FIR NO.753/2022
U/s 302/212/201/120B/34 IPC &
25/27 Arms Act
PS Welcome

27.01.2024

File taken up today on an application for grant of interim bail moved on behalf of accused/ applicant Anas @ Shah Faisal.

Present: Sh. Virender Singh, Ld. Addl. PP for State.

Sh. Sunil Kumar, Ld. Counsel for the accused/ applicant.

Arguments on the present interim bail application heard.

1. It is stated by Ld. Counsel for the accused/ applicant that accused/ applicant is innocent and has been falsely in the present case; that wife of the accused/ applicant has been advised for surgery of the Gallbladder stone; that wife of the accused/ applicant is unable to manage things all alone and she also requires care during and after her surgery. Therefore, accused/ applicant has prayed for interim bail for a period of 60 days.

2. Ld. Counsel for the accused/ applicant further submitted that at the time of his marriage/ nikah, accused/ applicant was in custody and he was granted custody parole for 04 hours in the present case, to perform his marriage; that accused/ applicant did not misuse the said liberty.

3. Ld. Addl. PP for the State has vehemently opposed the present application stating that the allegations levelled against the accused/ applicant are grave in nature; that accused/ applicant is a Habitual Offender and is involved in three murder cases, two attempt to murder cases, one extortion case and other firing cases. However, he has no objection, if custody parole is granted to the accused/ applicant for a day or two.

4. Report/ Reply of IO perused. Perusal of the same reveals that the accused/ applicant is a habitual offender and is involved in three Murder cases, two Attempt to murder cases, one extortion case and other firing cases; that the accused/ applicant is an active member of Hasim Baba Gang and previously, the member of this gang i.e. Rashid Kawal wala has already jumped the parole and is yet to be traced.

5. This Court has heard the submissions of both the parties and has also perused the record.

6. Admittedly, accused/ applicant got married during the custody parole of 04 hours. Thus, the wife of the accused/ applicant already knew that the accused is lodged in JC in murder cases. Therefore, it is pellucid that she was very well aware that she has to maintain or manage herself in the absence of the accused/ applicant only.

At this stage, Ld. Counsel for the accused/ applicant has been asked by this Court that whether accused/ applicant requires custody parole for few hours so that he can see his wife and can provide

emotional support to her on the day of her alleged Laproscopy Cholecystectomy Surgery. However, Ld. Counsel for the accused/ applicant has flatly refused for the same.

This Court cannot lose sight of the rights of the victim/ witnesses and there is no gainsaying the fact that a judicious balance needs to be strike down between the rights of the accused as well as of the victim/ witnesses. Accused/ applicant is stated to be involved in three Murder cases, two Attempt to murder cases, one extortion case and other firing cases and he is also an active member of Hasim Baba Gang. Possibility of again committing similar crime or threatening the witnesses could not be ruled out, at this stage. Considering the gravity of the offences alleged against the accused coupled with above-stated reasons, this Court does not deem it fit to grant interim bail to the accused/ applicant. Accordingly, the present interim bail application stands, **dismissed**.

7. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*

Copy of this order be given dasti to Ld. Counsel for applicant/accused and IO. Interim bail application stands disposed of.

File be put up on date already fixed.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/27.01.2024