

**IN THE COURT OF PULASTYA PRAMACHALA
ASJ-03, NORTH-EAST DISTRICT
KARKARDOOMA COURTS: DELHI**

IA 58/23 (Sahid @ Shahbaz)

CNR No. DLNE01-002401-2020

SC No. 119/20

State v. Mohd. Saleem Khan & Ors.

FIR No. 60/20

PS Dayalpur

U/s.186/353/332/333/323/109/144/147/148/149/153A/174A/188/
336/427/307/308/397/412/302/201/120B/34 IPC and 3 & 4 PDPP
Act and 25/27/54/59 Arms Act

11.04.2023

Bail Order

Vide this order, I shall decide bail application u/s. 439 Cr.P.C., moved on behalf of applicant Sahid @ Shahbaz.

- 1 . Briefly stated, applicant is chargesheeted along with co-accused persons for several charges including charges u/s. 302 IPC r/w. 149 IPC. In this case, as per allegations on 24.02.2020 at around 01:00 PM, at Chand Bagh, Peer Dargah, North East District, Delhi, a riotous mob attacked upon police team. One DCP and one ACP were severely injured. Several other police officials also received injuries. A public official from Delhi Police namely HC Ratan Lal was killed with gun-shot injury. Applicant is alleged to be part of this mob.
- 2 . **Sh. Abdul Salam**, ld. counsel for applicant argued that applicant has been falsely booked in the present case and fake recovery of weapon with live cartridges has been shown to be effected from

him. Applicant was apprehended by the police from the factory where he was working in the presence of other Karigars as well as the owner of the factory. It was further argued that neither applicant had caused any fire injury, which caused death of head HC Ratan Lal, nor to any person as well.

3 . Per contra, Sh. Madhukar Pandey, Id. Special PP made arguments taking same plea as mentioned in the reply filed by IO. Ld. Special PP and IO strongly opposed the bail application on the following grounds: -

- 3.1 Among other accused persons, applicant pelted stones at the police party, which resulted into murder of HC Ratanlal.
- 3.2 Applicant was identified by the public witnesses namely Salman Khan @ Guddu.
- 3.3 Three accused persons namely Suleman Siddiqui, Ayaz Khan and Khalid have been declared proclaimed offender are yet to be arrested in the case.
- 3.4 A pistol along with live cartridges was recovered from the possession of applicant, in FIR No.331/22, PS Special Cell. These recovered articles were robbed from HC Chetralpal, who was grievously injured during the incident, who being public official was discharging his official duty.
- 3.5 Accused persons had killed HC Ratan Lal and tried to kill the police party including DCP /Shahdara, ACP Gokulpuri and HC Chetralpal received grievous injury on his head.
- 3.6 Applicant did not cooperate with the investigating agency throughout the police custody.
- 3.7 Being part of unlawful assembly the applicant is responsible for the act too.
- 3.8 Till date, 25 accused persons have been arrested in this case, out of which only 17 accused persons are on bail. In most of the cases, Hon'ble Delhi High Court has dismissed their bail application.

- 4 . I have considered the rival contentions and have perused the record of this case.
- 5 . As per evidence on the record, applicant was arrested by official of Special Cell and they recovered a service revolver at the instance of applicant along with live cartridges, which was allegedly snatched from HC Chetrapal. Prosecution has relied upon statement of one Salman Khan, who identified the applicant to be part of the rioters, who had attacked upon the police team. However, no TIP of applicant was conducted through HC Chetrapal, from whom allegedly the service revolver was snatched. Prosecution has made allegations of snatching of the service pistol against the applicant, on the basis of presumption that since he had possession of that revolver, therefore, he would have snatched the same. All such issues would be matter of appreciation during further proceedings.
- 6 . For the purpose of bail, keeping in view the evidence produced by prosecution against him, I find applicant Shahid @ Shahbaz to be entitled for the same. Accordingly, applicant Shahid @ Shahbaz is admitted to bail, on his furnishing P/B and S/B in the sum of Rs.10,000/- each with one surety in the like amount, subject to the following conditions: -
 - (1) Applicant/accused shall not leave India without express permission of the court.
 - (2) Applicant and his surety shall intimate the court immediately after any change in their addresses or other particulars.

- (3) Applicant shall not try to influence any other witness of this case.
- (4) Applicant and his surety shall mention their mobile numbers to be used by them during the period of bail.

Copy of order be sent to Jail Superintendent for intimation to the applicant.

Announced in the open court (PULASTYA PRAMACHALA)
today on 11.04.2023 ASJ-03(North East)
(This order contains 4 pages) Karkardooma Courts/Delhi