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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 09.05.2025**
+ BAIL APPLN. 4021/2024

MOHD RASHID ALIS SHAKIR IN JCPetitioner
Through: Mr. Mobin Akhtar, Adv.

versus

THE STATE GOVT OF NCT OF DELHIRespondent
Through: Mr. Tarang Srivastava, APP for
State.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR
SHALINDER KAUR, J (ORAL)

CRL.M.A. 33170/2024(Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present bail application has been filed on behalf of the petitioner, under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of Regular Bail in FIR No. 76/2018 dated 21.03.2018 for the offences punishable under Sections 394/397/307/34 of the Indian Penal Code, 1860 registered at Police Station Prasad Nagar (subject FIR).

4. It is the case of the prosecution that on 20.03.2018, at approximately 10:30 PM, a PCR call was received at PS Prasad Nagar, recorded *vide* DD No. 37A, reporting that the husband of a lady doctor had been shot outside BL Kapur Hospital by two



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unidentified individuals. The information was marked to Sub-Inspector Ravi, the Investigation Officer (IO), who proceeded to the spot and learnt that the injured had already been admitted to BL Kapur Hospital.

5. Upon reaching at BL Kapur Hospital, IO found the injured Sh. Ashok Kumar undergoing treatment. However, he was not fit to make a statement, the IO then recorded the statement of his wife, namely, Dr. Kirti (the complainant herein).

6. The complainant, in her statement, told that she and her husband were standing near the entry gate of BLK Hospital, when two persons arrived on a black motorcycle from the direction of Pusa Road. The pillion rider (the petitioner herein) alighted and forcefully snatched the gold chain from her neck, during which the chain broke and fell on the ground, although the pendant was taken away. In an attempt to flee, the assailants collided with an oncoming car and fell. Consequently, as her husband attempted to apprehend them, the petitioner, at the instigation of the co-accused fired at him, causing grievous injuries. The accused persons thereafter fled on their motorcycle with the robbed pendant.

7. On the basis of the said statement, the subject FIR was registered, and the investigation was commenced.

8. Pursuant thereto, on 01.04.2018, information was received from Police Station New Usmanpur regarding the arrest of one Rashid @ Shakir (the petitioner herein), in connection with FIR No. 229/2018, under the Arms Act. During interrogation, the petitioner disclosed his



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involvement in the present case, along with co-accused Amir. On 11.04.2018, the petitioner was formally arrested in the present case.

9. The petitioner declined to participate in Test Identification Parade (TIP) and the co-accused Amir could not be traced and thus, remains absconding.

10. Upon culmination of the investigation, a Chargesheet was filed on 10.07.2018 and the seized exhibits have been forwarded to the Forensic Science Laboratory.

11. Subsequently, the bail applications moved by the petitioner before the learned Trial Court were dismissed *vide* Orders dated 09.06.2022 and 08.10.2024, respectively.

12. Aggrieved by the dismissal of the said bail applications, the petitioner preferred the present bail application.

13. The learned counsel for the petitioner submits that though the petitioner was involved in various criminal cases but he has either been enlarged on bail or acquitted in the said cases. Apart from the present case, no other criminal proceedings are pending against him.

14. He further submits that the petitioner was arrested in the present case on the basis of a disclosure statement made in case FIR bearing no. 229/2018 registered at Police Station New Usman Pur. No recovery has been effected from the possession of the petitioner, moreover, the alleged co-accused Amir has not been arrested. He submits that the complainant as well as the injured have already been examined, thus, there is no apprehension that the petitioner may tamper with the evidence or influence the witnesses.



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15. The learned counsel vehemently submits that the petitioner has been in judicial custody since 11.04.2018 and has, as on date, undergone nearly seven years of incarceration. He submits that the maximum sentence prescribed for the offences alleged against the petitioner is 10 years, and in view of the period already undergone, the continued incarceration of the petitioner is unjustified.

16. He submits that 19 out of 23 prosecution witnesses have already been examined before the learned Trial Court, and there is no indication that the trial shall be concluded in the near future. Given the protracted detention and the stage of trial, it is submitted that the petitioner is entitled to be released on bail.

17. *Per contra*, learned APP for the State, while opposing the present bail application, submits that as per the nominal roll, the petitioner has been previously involved in multiple criminal cases. He further submits that in the present case, the petitioner has been duly identified by the complainant as the person who committed the alleged offences. In view of the gravity of the offence and the credible identification of the accused, he contends, that the petitioner is not eligible to be admitted to bail.

18. Having heard the learned counsel for the petitioner, the learned APP for the state and upon perusal of the material on record and the nominal roll of the petitioner, it emerges that the gravamen of the allegation against the petitioner is that he snatched the gold chain of the complainant and, in the course of making good his escape, upon an



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attempt by the injured to apprehend him, he fired a gunshot at the injured, thereby causing grievous hurt to the injured.

19. The nominal roll of the petitioner dated 17.12.2024 reveals that he has been in Custody for a period of about 7 years and the jail conduct of the petitioner is 'satisfactory' and that he is involved in 3 other cases. In FIR No. 53/2018, he is stated to be on bail, in FIR No. 102/2018, he has been sentenced for the period already undergone and in FIR No. 251/2016, he is stated to be in custody, however, the learned counsel for the petitioner submits that the petitioner is on bail in the said case *vide* Bail Order dated 30.01.2018 passed by the learned Additional Sessions Judge, (Central) Tis Hazari Courts.

20. Accordingly, in view of the entire conspectus of facts and circumstances as noted hereinabove, the petitioner is admitted to Regular Bail pending Trial in the subject FIR bearing No. 76/2018 dated 21.03.2018 for the offences punishable under Sections 394/397/307/34 of the Indian Penal Code, 1860 registered at Police Station Prasad Nagar, on his furnishing a personal bond in the sum of ₹ 25,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court / CMM / Duty Magistrate and further subject to the following conditions:

- i. The Petitioner shall not leave the NCT of Delhi without prior permission of the Learned Trial Court.
- ii. The Petitioner shall report at P.S. Prasad Nagar, Delhi, on every alternate Saturday at 4:00 P.M for marking his presence.



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- iii. The Petitioner shall immediately intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change of residential address.
 - iv. The Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - v. The Petitioner is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - vi. The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the Prosecution witnesses or other persons acquainted with the facts of case.
 - vii. The Petitioner shall also not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending Trial.
21. It is made clear that no observations made above shall tantamount to be an expression on the merits of the petitioner's case and they have been made for the purpose of consideration of Bail alone.
22. A copy of this Order be sent to the Jail Superintendent concerned for information and necessary compliance.
23. Accordingly, the present Bail Application stands disposed of.

SHALINDER KAUR, J

MAY 9, 2025/KP

[Click here to check corrigendum, if any](#)