



2025:DHC:7359



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 26th August, 2025*

+ **BAIL APPLN. 1816/2025**

AMAN KHAN
S/o Rashid Khan
R/o 138, Harijan Colony,
Bhalswa, Delhi.

.....Petitioner

Through: Mr. Ayyub Ahmad, Mr. Anis Ahmad
Advocates.

versus

THE STATE (NCT OF DELHI)
Through SHO
P.S. Ambedkar Nagar.

.....Respondent

Through: Mr. Utkarsh, APP for the State.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. An Application under Section 483 BNSS has been filed on behalf of the Applicant Raj Kumar for grant of Regular Bail in case FIR No.146/2021 under Section 302/34 IPC registered at Police Station Ambedkar Nagar, Delhi.
2. The Applicant has submitted that he is a respectable person and is a permanent resident of Delhi. He is in Judicial custody since 14.09.2021 and the Application has been filed on his behalf through his parokar/brother. The Applicant was arrested in September, 2021 and after completion of



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investigations, the Chargesheet and Supplementary Chargesheet had been filed in the Court.

3. *As per the Prosecution story*, a call was received about firing at Madangir, New Delhi. The Police reached the spot and they found that the injured had been taken to the Batra Hospital, New Delhi. The injured Kunal who was found admitted in the Hospital, had expired. The Police completed the formalities and got the FIR registered. The statements of the witnesses under Section 161 Cr.P.C was recorded. The eye witnesses whose statements were recorded by the Police stated that the assailants had come on motorcycles and were wearing helmets. According to the Police, Sunny was stated to be the eye witness, though he was never present at the spot. He is cousin brother of the deceased who stated to the Police that he had seen the incident and disclosed the names of the assailants, despite the fact that eye witnesses had stated that the assailants had come wearing the helmets.

4. During the trial, the statement of PW1 Sunny the eye witness had been recorded. He in his cross-examination, stated that he is not aware as to when his statement was recorded. There are huge contradictions in his statement. The other eye witness PW3 Sanjay, PW4 Asif and PW7 Aman have also reiterated in their respective testimony that the assailants were wearing the helmet and that PW1 Sunny was not present on the spot. PW2 Sagar real brother of the deceased had stated that on 25.03.2021, body of his brother was cremated and thereafter, the statements of witnesses were recorded. If the dead body got cremated on 25.03.2021, then it is not comprehensible that as to how the statement of PW1 Sunny got recorded on 24.03.2021.



5. It is submitted that all the public witnesses have been examined by the learned Trial Court and there is no apprehension of the accused tampering with the evidence. He is in Judicial Custody for last more than four years. He is a young man of 25 years and has been falsely implicated in this case. The Bail is sought on the ground that the identity of the assailants is doubtful as the Prosecution witnesses have deposed that they were wearing helmet. PW1 Sunny the alleged eye witness was not present on the spot. The Applicant has clean antecedents and was never involved in any criminal case. He has a family to take care. He has deep roots in the Society and there is no likelihood of his absconding from justice. He undertakes not to influence or contact any witnesses, if released on Bail. Hence, a prayer is made for grant of Bail.

6. The **Status Report** has been filed on behalf of the State, wherein the entire investigations as conducted in the FIR, has been reiterated. It is submitted that the Applicant along with his three associates, had fired the gun shots at the deceased. There is sufficient evidence against the Applicant. The trial is underway. There is apprehension that the Applicant may threaten the witnesses or influence them or jump the Bail or commit the similar offence. The Bail is also opposed on the ground of gravity of the offence.

Submissions heard and record perused.

7. As per the case of the Prosecution, four assailants came on two motorcycles and the two pillion riders fired seven shots at the deceased, who died. Seven cartridges were recovered from the spot. It is a brutal murder, wherein despite deceased having fallen down, the assailants continued to pump bullets in him. The offence committed was gruesome. The other three



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co-accused are in Judicial Custody and the Bail has been only granted to fifth accused, who was allegedly the mastermind/conspirator.

8. It is further on record that the Applicant and other co-accused had extended threats to the public witnesses to dissuade them from coming them to the Court. Though the testimony of these witnesses have now been recorded, but the propensity of the Applicant not only to extend threats but also likelihood of him of getting involved in other cases if released on Bail, cannot be ruled out. The trial has been proceeding on regular pace with seven witnesses out of 21 prosecution witnesses have already been recorded.

9. Considering the gravity of the offence, no case is made out for grant of Bail, at this stage.

10. The Application is, therefore, dismissed and stands disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 26, 2025

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