



2025:DHC:3410



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

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Date of Decision: 07.05.2025

+ **BAIL APPLN. 1586/2025 & CRL.M.A. 12616/2025**

YASIN @ GILLI

.....Petitioner

Through: Mr. Jitendra Kumar Singh and Mr.
Shivendra Singh, Advocate

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for State
with Inspector Manu Dev, PS Subzi
Mandi and Inspector Anant Kiran,
Dwarka

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Learned APP files status report, which is accepted across the board to be scanned and made part of the record.
2. I have heard learned counsel for accused/applicant and learned APP for State.
3. The accused/applicant suffering incarceration since 28.08.2017 seeks regular bail in case FIR No. 195/2017 of PS Subzi Mandi for offence under



Section 302/201/120B/34 of IPC. Broadly speaking, the prosecution case is as follows. On recovery of a dead body, DD No. 10A was recorded by PS Subzi Mandi on 07.08.2017. The Investigating Officer on reaching the spot found the dead body of a 20-25 years old male with head injuries and some burn wounds; besides that, a blood-stained stone, a blood-stained wooden stick and a matchbox also were found on the spot. Neither the deceased could be identified at that stage nor any eye witness was found, so FIR No. 195/2017 was registered by PS Subzi Mandi on the basis of the said DD No. 10A. Subsequently, during pendency of investigation, one TSR driver visited the police station and informed that on the night intervening 06.08.2017 and 07.08.2017 at about 03:30 am in the Hindu Rao Hospital parking, he overheard Yasin @ Gilli (*the accused/applicant*), Mohsin @ Total, Deepak @ Kartik and Anil talking amongst themselves that they had killed Ganju and defaced his dead body and that now they should burn away the clothes of the deceased as well. It is on the statement of the TSR driver that all four accused persons were arrested.

4. Learned counsel for accused/applicant submits that the accused/applicant has been falsely implicated in this case and that the story woven by the investigator is not believable. Further, it is submitted by learned counsel that co-accused Mohsin @ Total has already been granted bail by this bench vide detailed order dated 22.04.2025, copy whereof is Annexure P2.



5. On the other hand, learned APP submits that the accused/applicant got recovered the knife used in the offence. However, learned APP in all fairness also submits that the TSR driver, on whose statement the accused persons were arrested, has not supported prosecution during his testimony before the trial court.

6. So far as the alleged recovery of knife is concerned, admittedly, no chance prints were lifted to connect the knife with the accused/applicant. Even the alleged recovery of knife was from a public place accessible to the general public. Further, no independent witness was joined at the time of the alleged recovery, which occurred almost 21 days after the alleged incident.

7. As observed in order granting bail to co-accused Mohsin, *prima facie*, it is found unnatural that after committing murder the assailants would so causally and explicitly discuss about the same at a public place more or less in the form of an extra-judicial confession, which would be overheard by the TSR driver, who would report the matter to police. And ultimately that TSR driver now turns hostile to prosecution.

8. Considering the above circumstances, I find no reason to deprive the accused/applicant liberty any further.



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9. The application is allowed and it is directed that the accused/applicant be released on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the trial court.

10. Nothing observed in this order shall be taken into consideration by the trial court while finally deciding the trial.

11. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

MAY 7, 2025

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