



2026:DHC:1093



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

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Date of Decision: 10.02.2026+ **BAIL APPLN. 2217/2023**

AMAN@ PRINCE @ BHURA

.....Petitioner

Through: Mr.Raj Singh Phogat, Advocate

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
StateMs. Tanya Agarwal and Mr. Krishna
Kumar, Advocates for R-2**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.743/2020 of PS Bawana for offence under Section 302/201/34 IPC and 25/27 of Arms Act.

2. This bail application, pending since July 2023, is one of 179 old pending bail applications which have been now assigned to this bench. Today is the first date before this bench. Today in the first call, none appeared for the accused/applicant, so keeping in mind old pendency of this bail application, matter was passed over. Now, in this call, learned counsel



for accused/applicant has appeared.

3. I have heard learned counsel for accused/applicant and learned prosecutor assisted by Inspector Imtiyaz Alam, who is neither the investigating officer nor the SHO concerned.

4. It is not just a case of the investigating officer and the SHO being completely insensitive to their presence and assistance to the prosecution, it is also a case of a shocking situation where the then SHO PS Bawana filed an incomplete and misleading status report dated 14.07.2025. The erstwhile SHO PS Bawana is stated to be Inspector Rajnikant. In the said status report, the SHO concealed the vital portion of testimony of the star witness of prosecution.

5. Broadly speaking, the prosecution case commenced on a blind FIR registered on the statement of father of the deceased to the effect that the deceased did not return home overnight and in the morning, he (*father of the deceased*) came to know about the discovery of a dead body in the area and on reaching that spot, he identified the dead body to be of his deceased son. Further investigation revealed that the deceased had been killed by being shot twice with a pistol.

6. Learned counsel for accused/applicant submits that he is in jail for past 04 years 08 months and there is no cogent evidence against him. It is also contended that out of 25 prosecution witnesses, only 05 have been examined and now only formal witnesses are left.



7. Learned APP for the State strongly opposes the bail application on the ground that there are vital pieces of circumstantial evidence against the accused/applicant in the form of recovery of the pistol at his instance, recovery of mobile phone of the deceased at his instance and most importantly, testimony of the witness of last seen, who has identified the accused/applicant with the deceased, night before recovery of the dead body. Further, learned APP also opposes the bail on the ground of antecedents of the accused/applicant, submitting that he is involved in 04 more cases.

8. So far as the recovery of pistol is concerned, learned counsel for accused/applicant takes me through record to show that the pistol, allegedly recovered from the accused/applicant, is not the one which was used in the alleged offence. As regards testimony of witness of last seen circumstance, it is contended that prosecution in the status report concealed the vital portion of chief examination of that witness. Regarding the alleged antecedents, it is disclosed by learned counsel that out of those 04 cases, 01 case led to compromise, 02 cases led to acquittal and 01 is pending, in which also he has been admitted to bail.

9. As mentioned above, it is a case of circumstantial evidence, consisting of evidence of last seen, evidence of recovery of weapon of offence and recovery of mobile phone of the deceased.

10. So far as the evidence of the alleged last seen circumstance is concerned, as mentioned above, prosecution concealed from this Court, vital portion of testimony of the last seen witness PW1 Smt. Haseena, wife of the



deceased. It appears that PW1 was partly chief examined on 08.08.2024 and her further chief examination was deferred because the IO had not brought the laptop to play CCTV footage of the alleged last seen incident. In the status report, only that partial testimony of PW1 was filed. Thereafter, in further chief examination of PW1 recorded on 17.02.2025, which was concealed from this Court, on being played the CCTV footage, PW1 expressed inability to identify the accused/applicant. That portion of testimony of PW1 has been shown today by learned counsel for the accused/applicant and correctness thereof is not disputed by prosecution side.

11. As regards the alleged recovery of the weapon of offence, even according to prosecution case, the pistol allegedly recovered from the accused/applicant was .32 bore while according to the FSL report, the bullets retrieved from the dead body were of .315 bore. Even according to prosecution, the pistol of .315 bore was not recovered from or at the instance of the accused/applicant.

12. The only remaining evidence, even according to prosecution, is the alleged recovery of mobile phone of the deceased from the accused/applicant. That recovery also has been explained in the bail application itself.

13. So far as the antecedents are concerned, as explained above, out of 04 cases, the accused/applicant stands acquitted in 02 while 01 case was compounded and 01 case is pending trial, in which the accused/applicant has



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already been admitted to bail.

14. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to 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.

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

16. Copy of this order be also sent to the concerned DCP to take appropriate action against the erring officials, who as mentioned above, filed misleading status report after concealing vital material from this Court.

17. Of course, nothing observed in this order shall be read to the prejudice of either side at the stage of final arguments after completion of trial.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 10, 2026
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