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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Date of Decision: 12.01.2026*+ **BAIL APPLN. 4135/2025 & CRL.M.A. 32170/2025**

MOHSIN @ ABRAR .....Petitioner

Through: Mr. Jitendra Sethi, Sr. Advocate with  
Mr. Hemant Gulati, Mr. Bharat and  
Mr. Shobit Dimri, Advocates

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP for State  
with Inspector Sachin Kumar.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 79/2019 of PS Krishna Nagar for offence under Section 302/120B/34 IPC and Section 25/27 Arms Act.

2. Broadly speaking, according to prosecution case, the FIR registered on account of gunshots was a blind FIR as no eyewitness was present at the spot and the injured succumbed to his injuries on being taken to the hospital. Subsequently, during investigation, the IO examined two persons purported to be eyewitnesses, who named the accused/applicant as one of the assailants. According to those two eyewitnesses, the accused/applicant fired



at the deceased with a country-made pistol. Further, according to prosecution, the entire incident was captured on CCTV and the eyewitnesses identified the accused/applicant present in the CCTV footage.

3. Against the above backdrop, learned senior counsel for accused/applicant contends that the prosecution evidence is not at all reliable in the present case. It is also contended that two of the accused persons, against whom prosecution alleged conspiracy have already been granted bail by this court. One of the four alleged assailants was a Child in Conflict with Law, according to learned senior counsel, while the remaining three are in custody. It is submitted by learned senior counsel that both alleged eyewitnesses have already been examined in trial but even at this stage, 32 more witnesses remain to be examined and the accused/applicant is in custody since 26.04.2019. Culmination of trial not being expected in the immediate future, learned senior counsel submits that this is a fit case to release the accused/applicant on bail.

4. The bail application is opposed by prosecution on the ground of gravity of the offence alleged against the accused/applicant. Learned prosecutor also submits that since the accused/applicant refused to participate in the Test Identification Parade, his dock identification becomes significant. Learned prosecutor assisted by IO/Inspector Sachin Kumar has produced before me the CCTV footage contending that the offence is clearly captured in the same.



5. But after playing of the CCTV footage in court, learned prosecutor, in all fairness does not dispute that the CCTV shown today in court does not depict the actual incident of firing. The CCTV footage also does not depict clearly faces of the alleged assailants. Where faces of the alleged assailants are not clearly depicted, identity of any of the alleged assailants on the basis of that footage would be a suspect, to say the least at this stage.

6. In other words, the only evidence collected by the IO to connect the accused/applicant with the alleged offence is that he refused to participate in TIP and was identified by the alleged eyewitnesses from CCTV footage, which footage does not clearly depict the faces or even the alleged firing incident. Not only this, the learned prosecutor also fairly admits that the alleged CCTV footage does not depict presence of either of the eyewitnesses at the spot of incident.

7. More importantly, it is pointed out by learned senior counsel for accused/applicant that the bullet retrieved from body of the deceased did not correspond to the country-made pistol allegedly used by the accused/applicant in the incident, according to the report of FSL. This point is not disputed by the learned APP after examining the FSL report.

8. It is also submitted by learned APP on instructions of the IO that the accused/applicant is not involved in any other criminal antecedents.

9. In a nutshell, the offence concerned was a blind offence in which



involvement of the accused/applicant is alleged solely on the basis of identification by the alleged eyewitnesses through CCTV footage, which does not depict faces clearly and according to the FSL, the bullet retrieved from the dead body was not fired from the country-made pistol allegedly used by the accused/applicant. The accused/applicant is in jail since 26.04.2019, though he was on Covid bail for some period.

10. Considering the above circumstances, I find no reason to further deprive the accused/applicant liberty. The application is allowed and accordingly, the 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. The accompanying application stands disposed of.

11. As a matter of cautious rider, it is made clear that none of the observations made above shall be read at the time of final decision of the trial. Copy of this order be sent to the concerned Jail Superintendent immediately for being conveyed to the accused/applicant.

**GIRISH KATHPALIA  
(JUDGE)**

**JANUARY 12, 2026/ry**