



2026:DHC:3301



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

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Date of Decision: 21.04.2026+ **BAIL APPLN. 1053/2026**

ANWAR KHAN @ CHACHA

.....Petitioner

Through: Mr. Anurag Jain, Mr. Sulaiman Mohd. Khan, Ms. Taiba Khan and Mr. M.M. Khan, Advocates

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Akhand Pratap Singh, SPP with Samridhi Dobhal, Mr. Krishna Mohan Chandel and Ms. Lisa Pegwal, Advocates with Inspector Shiv Darshan and SI Kashish Swami, Special Cell

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 368/2024 of Police Station Greater Kailash for offence under Section 103(1)/61(2)/3(5) BNS and Section 25/27 of the Arms Act.
2. Status report in terms with last order has not been filed. I have heard learned counsel for accused/applicant and learned Special Public Prosecutor for State assisted by IO/Inspector Shiv Darshan.



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3. Since status report is not on record, the factual matrix presented by the prosecution side is narrated by learned Special Public Prosecutor as follows. On 14.09.2024, Salman received a call from Hashim, asking Salman to speak with Zoya (*wife of Hashim*). Thereafter, Salman received a call from Zoya, who directed Salman to drop two persons at the residence of the present accused/applicant. Accordingly, Salman dropped those two persons, namely Madhur and Raju at the residence of the accused/applicant. Two days thereafter, Salman received a call from the present accused/applicant, asking Salman to reach Aligarh Bus Stand on the pretext of buying some business material. There, Rashid Cablewala called up the present accused/applicant and in that phone call, Rashid directed Salman to go to Ujjain with Madhur. Salman visited Ujjain with Madhur and after leaving Madhur in Ujjain, Salman returned to Delhi. After that, Salman visited house of Zoya, where Salman found that Rashid was speaking on speaker phone of Zoya. At that time, the present accused/applicant also was present at the house of Zoya and was speaking with Rashid over phone in which, Rashid stated that the shooters Madhur and Raju have killed the deceased Nadir Shah.

4. It is specifically recorded here that the above narrative of the factual matrix has been dictated verbatim, as narrated by the learned Special Public Prosecutor in presence of IO/Inspector Shiv Darshan.

5. On last date, in the above backdrop a specific query was raised as to whether Salman has been named as an accused or not. Today, it is stated by learned Special Public Prosecutor that Salman has not been named as an



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accused but as a witness.

6. To say the least, it is quite surprising to note that Salman, who allegedly commuted the alleged shooters and who was in touch with Zoya has not been named as an accused but as a witness. On the other hand, the accused/applicant against whom there is no specific allegation that he was aware that Madhur and Raju, who were brought to his house were killers, has been made accused. From the above narrative, recorded verbatim as submitted by learned Special Public Prosecutor in presence of the IO, *prima facie*, there is no allegation against the accused/applicant.

7. But in the course of dictation of this order, learned Special Public Prosecutor submits that after recording of statement of Salman under Section 183 BNSS, Salman received a threat call from the present accused/applicant, regarding which FIR has been registered. In response to a specific query, learned Special Public Prosecutor submits that in his statement under Section 183 BNSS, Salman simply reiterated the above mentioned factual matrix and added that when he commuted Madhur and Raju, he was not aware that they were the killers. That being so, one wonders as to why the present accused/applicant would make threat call to Salman.

8. Considering the above circumstances, especially the role of the accused/applicant with no clear allegation (*what to say of evidence*) of his complicity in the killing, I find no reason to further deprive liberty to the accused/applicant. Of course, nothing observed in this order shall be read to



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the prejudice of either side at the final stage of the trial and the learned trial court shall take independent view on the basis of evidence adduced.

9. 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.25,000/- with one surety in the like amount to the satisfaction of the Trial Court.

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

**GIRISH KATHPALIA
(JUDGE)**

APRIL 21, 2026/as