



2025:DHC:7276



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

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*Date of Decision: 25.08.2025*

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**BAIL APPLN. 1673/2025****FURKAN @ FAIZAN**

.....Petitioner

Through: Mr. Ashutosh Bhardwaj, Advocate

versus

**STATE (GOVT.OF NCT, DELHI)**

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State  
with Inspector Tribhuvan Negi and  
Inspector Pankaj, PS Timarpur**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.84/2021 of PS Timarpur for offence under Section 302/398/201/34 IPC and Section 25/27 of Arms Act. I have heard learned counsel for the accused/applicant as well as learned APP for State.

2. Broadly speaking, prosecution case is as follows. On 17.03.2021 at about 06:30am, when wife of the complainant *de facto* was going to their grocery shop and the complainant *de facto* was following her, after crossing the road *via* foot over bridge, the complainant *de facto* heard the sound of a pistol fire and saw that a boy sitting pillion on a motorcycle fired at his wife



and the assailants fled away on the motorcycle towards ISBT. On being taken to hospital, the injured lady was declared brought dead. In his complaint forming basis of the FIR, the complainant *de facto* stated that he could identify the assailants. On the basis of investigation, the role ascribed to the accused/applicant is that it is the accused/applicant who fired the fatal shot.

3. Learned counsel for accused/applicant argues that he was arrested on 22.03.2021 and nothing incriminating was recovered from him. It is further argued that till date, out of 25 prosecution witnesses, only 12 have been examined including all public witnesses, none of whom support the prosecution. Learned counsel for accused/applicant also argued that the accused/applicant cannot be denied bail as a matter of punishment. Presently, there being no public witness remaining not examined, it is a fit case to grant bail according to learned counsel.

4. On the other hand, learned APP submits that in a case of the present nature, where in broad daylight a lady was shot dead, granting bail would not be appropriate, especially where one vital witness who has to prove the DVR of the CCTV footage of the incident is yet to be examined. Further, it is contended that the accused/applicant is involved in 20 more cases of serious offences, out of which in one case he stands convicted while the other cases are pending trial, including three cases in which he has not been granted bail by any court.



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5. In rebuttal, learned counsel for accused/applicant contends that mere antecedents cannot be a ground to deny bail.

6. So far as the issue of antecedents is concerned, I am in agreement with learned counsel for the accused/applicant that merely on the basis of antecedents, bail cannot be denied. In fact, there is no solitary factor which is determinant of grant or denial of bail. Grant or denial of bail has to be decided on the basis of multitude of judicially laid down parameters, in which antecedents is certainly one of the aspects. In the present case, admittedly the accused/applicant is involved in 20 more cases of violence against body, out of which in three cases, bail has been denied to him by all courts and in one case, he stands convicted.

7. The nature and gravity of the offence alleged against the accused also has to be kept in mind. In the present case, the allegation is broad daylight murder using fire arm.

8. It is not correct to say that all public witnesses have turned hostile to prosecution. The complainant *de facto* examined as PW-7 before the trial court has supported the prosecution version. In this regard, learned counsel for accused/applicant wants to refer to the detailed cross examination of PW-7, but that cannot be done in view of the settled legal position that at the stage of considering bail, the court shall not minutely analyse the evidence



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on record.

9. Further as mentioned above, the incident was allegedly captured on CCTV and the witness to prove the DVR is yet to be examined.

10. Considering the above factors, I do not find it a fit case to release the accused/applicant on bail at this stage. The bail application is dismissed. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant immediately.

**GIRISH KATHPALIA  
(JUDGE)**

**AUGUST 25, 2025/ry**