



2026:DHC:747



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

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Date of Decision: 30.01.2026

+ **BAIL APPLN. 401/2026 & CRL.M.A. 3103/2026**

TAUSEIF KHAN

.....Petitioner

Through: Mr. Pushkar Priyadarshi, Advocate

versus

STATE (N.C.T. OF DELHI)

.....Respondent

Through:

Mr. Amit Ahlawat, APP for State
with IO/Inspector Rajinder Singh, PS
Vivek Vihar

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 304/2020 of PS Vivek Vihar for offence under Section 302/201/120B/34 IPC.
2. Broadly speaking, prosecution case is that in presence of the first informant Poonam, a third gender, another third gender Reshma was killed by way of multiple stabbing by the accused/applicant and his father and brother-in-law. In the FIR, Poonam specifically named all three assailants. Father of the accused/applicant was apprehended on the spot while the accused/applicant and his brother-in-law fled. Knives used by all three assailants were recovered.



3. Against the above backdrop, learned counsel for the accused/applicant submits that the accused/applicant is innocent and has been falsely implicated. It is submitted by learned counsel for accused/applicant that if carefully examined, arrest of the accused/applicant would not inspire confidence. Further, learned counsel for accused/applicant contends that in the testimonies of the witnesses so far examined during trial, there are multiple contradictions and inconsistencies.

4. Learned APP for State assisted by Investigating Officer/Inspector Rajinder Singh accepts notice and strongly opposes the bail application, taking me through testimony of the first informant eye witness Poonam examined as PW1. It is also submitted by learned APP for State that trial is at almost fag end and hardly 2-3 prosecution witnesses remain to be examined.

5. However, learned counsel for accused/applicant submits that there are six prosecution witnesses who are yet to be examined. This is explained by learned prosecutor stating that some of the witnesses have already been dropped.

6. It is trite that while considering bail application, the court would not minutely examine the evidence on record in the form of contradictions and inconsistencies. For, if the evidence is minutely examined at this stage, either the prosecution or the defence would get prejudiced at final stages of the trial.



7. In the present case, as mentioned above, the FIR was registered on the basis of account of an eye witness, who specifically named all three assailants including the accused/applicant. The first informant Poonam was not a stranger, who witnessed the incident. Poonam is the *guru (guardian in transgender community)* and one wonders as to why she would falsely name the accused/applicant after shielding the actual culprits. In the witness box Poonam as PW1 has strongly supported the prosecution case.

8. Besides, as mentioned above, trial is at fag end.

9. Considering the above circumstances, I do not find it a fit case to grant bail. The bail application as well as pending application are dismissed.

10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

JANUARY 30, 2026/as