



2025:DHC:8988



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 8th October, 2025***+ **BAIL APPLN. 2800/2025****SAHIB**

S/o Sh. Mohd Gufran

.....Petitioner

Through: Mr. Mohd. Shamikh and Mr. Absar
Ahmed, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the **Applicant/Sahib** for grant of **Regular Bail** in Case FIR No. 338/2024 under Section 103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (*hereinafter referred to as 'B.N.S.'*) of Arms Act, registered at Police Station Jafrabad, Delhi.
2. The Applicant submits that he was arrested on 15.08.2024 and is in Judicial Custody since then.
3. The **case of the Prosecution** is that on 13.08.2024, a PCR call was received, which was registered as GD No. 80A at 04:46 p.m. regarding murder by two boys. The Police reached the spot and found that the injured person has been taken to the hospital and no eye witness was available on



the spot. The MLC of the deceased was collected and the present FIR was registered. The Bail is sought on the ground that there is no evidence against the Petitioner. The GD No. 80A was registered regarding the murder by two persons. The said murder took place outside the house of the deceased but surprisingly, the deceased was taken to the Hospital by the neighbours and not by the family members.

4. As per the prosecution case, there was no eye witness found either on the spot or at the hospital where the deceased had been taken. The wife of the deceased visited the Police Station on 14.08.2024, to verify the status of murder case of her husband and was shown CCTV footage of two boys where she identified them as Accused/Suhail, who had killed her husband by firing a pistol at the deceased, and the other person was identified as Mehran, who was allegedly accompanying the Accused Suhail, at the time of the murder.

5. Admittedly, the Applicant was not present at the spot when the murder of the deceased, Rizwan, took place. The wife of the deceased nowhere claimed the presence of the Applicant at the spot at the time of the murder. The Applicant was arrested on 15.08.2024 and allegedly he made a Disclosure Statement pertaining to this case and was formally arrested.

6. It is submitted that the custody of the Applicant is no more required and the Charge-Sheet has already been filed. There was no recovery affected from the Applicant or at his instance as he has nothing to do with the case. There is no evidence to connect him with the present offence.

7. The Applicant had applied for Bail before the learned Trial Court, which has been dismissed *vide* Order dated 04.04.2025.

8. The Applicant further states that he was just about 18 years of age



when he was falsely implicated in this case. His entire career has been put to stake. He has clean antecedents and has never been involved in any case and no useful purpose would be served by keeping him behind the bars. There is no likelihood of his absconding or of tempering with the evidence if released on bail.

9. *Hence, the prayer is made that he may be granted Regular Bail.*

10. Though, *no formal Status Report has been filed in the present case* on behalf of the State but a Reply had been filed before the learned Trial Court wherein it was submitted that the deceased was killed by two persons outside his house by fire shots.

11. The deceased, Rizwan, was declared brought dead by the doctor, on account of the gunshot injuries. The investigations were duly carried out. On checking the CCTV footage, three boys were found running away from the spot, who were identified by Head Constable Sohanveer as Mehran, Suhail and the Applicant, namely Sahib. During the course of the investigation, the postmortem of the deceased was conducted.

12. Furthermore, as per the CCTV footage, Sahib was seen parking a scooty and it was further noticed that Mehran gave the pistol to Suhail. After sometime, they both were seen coming out of the *gali* and then they run away from the spot on the *scooty*, which had been parked by the Applicant. Smt. Aeman, wife of the deceased, identified the accused persons from the CCTV footage as Suhail and Mehran. The Applicant/Sahib was arrested and interrogated wherein he confessed that Chhota Rizwan (deceased) was standing in front of his house.

13. Bail Application was contested on the ground that the offence involved was a heinous crime and there was every likelihood of him



threatening, influencing or harming the witnesses or to jump the Bail. The Bail Application was thus opposed.

14. *Learned counsel on behalf of the Applicant* has vehemently contended that there is no role assigned to the Applicant in the entire Charge-Sheet except that he had given information about the location of the deceased to the co-accused persons. The other evidence against him is that he was seen in a CCTV footage leaving the *scooty* parked near the scene of crime. The said *scooty* in fact belonged to Suhail, though was being used by the Applicant. The testimony of the wife has already been recorded, who has not named the Applicant in her evidence. The CCTV footage, on which the emphasis has been led by the Prosecution, merely shows the Applicant leaving the *scooty* near the scene of crime.

15. It is further contended that the Applicant was barely 18 years old and was a student of Class IX. He has clean antecedents and there is no likelihood of him influencing the witnesses.

16. *A prayer is made for grant of Bail.*

17. *Learned Prosecutor, however, has submitted that there is cogent evidence against the Applicant.* Not only did he disclose the location of the deceased to the other co-accused but was further involved in so much as he left the *scooty* near the place of incident, which was used by the two co-accused to abscond from the scene of the commission of the offence. Furthermore, Suhail, the Applicant had also seen the pistol being handed over by Mehran to him. It is argued that there is full complicity of the Applicant in the brutal murder of Rizwan. *The Bail is, therefore, opposed.*

Submissions heard and the record perused.

18. Though, it is a case of murder of Rizwan by the two co-accused but it



cannot be overlooked that the Applicant is a young boy of barely 19 years of age and was a student of Class IX.

19. He is in Judicial Custody since 15.08.2024. The material witness, i.e. the wife of the deceased, has already been recorded, who in her entire testimony, has not named the Applicant.

20. Considering the role of the Applicant as described by the Prosecution and the clean antecedents, as well as, the young age of the Applicant with further observations that the investigations already stand completed and the Prosecution evidence is recorded, the Applicant is granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/Accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Accused shall provide his mobile number/changed mobile number to the IO concerned, which shall be kept in working condition at all times;
- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to the learned Trial Court and to the concerned I.O.

21. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court



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22. The Bail Application and pending Applications are disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 8, 2025/RS