



2025:DHC:6764



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

% *Date of decision: 11th August, 2025*

+ **BAIL APPLN. 2541/2025, CRL.M.A. 19840/2025**

**VAHID@WASEEM**

S/O NASEEMUDDIN

.....Petitioner

Through: Ms. Amita Singh Kalkal and Ms.  
Farha Qureshi, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with  
Inspector Deepak, PS Hazrat  
Nizamuddin.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**J U D G M E N T (oral)**

1. Third Bail Application under Section 483 read with Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed on behalf of the *Applicant Vahid @ Waseem* for Regular Bail in FIR No. 0086/2022 registered under Sections 307/34 India Penal Code, 1860 read with Section 27 of the Arms Act, 1959 at P.S. Hazrat Nizamuddin.

2. The bail is sought on the *grounds* that the Applicant has clean antecedents and has been falsely implicated. He is in judicial custody for more than 03 years. The Ld. Trial Court has dismissed his Regular Bail Application on 04.06.2025. There is nothing incriminating against the Applicant to connect him with commission of the alleged offence. The Charge-sheet has already stands filed. The other three CCLs including the



once who had stabbed the deceased, have been granted Regular Bail.

3. The Prosecution has failed to show the  *motive* behind the commission of the alleged offence. Nothing is to be recovered at the instance of Applicant. It is the case of the Prosecution itself that  *the Applicant had not stabbed the deceased*. As per the CCTV footage and video footage, the Applicant is not seen committing the alleged offence, which was committed in a public park near a Tea Stall where several public persons were present and the area was well lighted. However, there is no public person who had seen the Applicant present or committing the alleged offence. The public witnesses had not been joined at the time of arrest of the Applicant. The Police has failed to get his TIP conducted from the alleged caller.

4. The PW-1, Faird the alleged eye-witness/victim, has not supported the case of the Prosecution and has deposed that the Applicant was not present at the spot and he had not seen him stabbing the victim.

5.  *PW-2 Abrar*, the second eye-witness had stated that the alleged quarrel had taken place between the CCL and the victim. Hence, there was no reason or motive for the Applicant to involve himself in the commission of the alleged offence.

6.  *PW-3 Amir*, the third eye-witness has not supported the case of the Prosecution and has deposed that at the time of alleged quarrel, the Applicant was not present at the spot. The PW-3 further denied the suggestion that the Applicant had taken out the knife and attacked them. He has categorically deposed that it was the three CCLs, who had attacked the victim in the night.

7.  *PW-4 Javed Khan*, the fourth eye-witness has also failed to support the case of the Prosecution. He deposed that five persons came to the spot



after which two had left.

8. It is submitted that the material Prosecution witnesses have been examined and they have not supported the case of the Prosecution, which shows that the Applicant had been falsely implicated in this case. Since all the material witnesses have been recorded, there is no likelihood of tampering with the evidence or threatening or influencing the witnesses.

9. It is further submitted that he is the sole bread earner of the family. He has young unmarried sisters and old aged mother to look after, as the father is not supportive and is not taking responsibility of the mother and the daughter. The mother is suffering from various medical problems and it is difficult for the younger sister to take care of the mother.

10. *Hence, the prayer is made for grant of bail.*

11. ***The Status Report has been filed on behalf of the State*** wherein it is submitted that on 09.03.2022, a PCR call was received *vide* DD No. 66A wherein the caller stated that two boys have stabbed on the neck on a boy in DDA Part Musafir Khana, Hazrat Nizamuddin and the injured has been taken to hospital. The investigations were undertaken. The PCR caller Shagufta met ASI Satender and verbally stated about the scuffle between the injured boy and the other assailants. No eye-witness was found on the spot. Atib, the injured was found admitted in the hospital with the history of stab with the knife by some unknown persons.

12. Statement of Javed Khan, the eye-witness was recorded to detail the happening of the incident. On his statement, FIR No. 0086/2022 under Sections 307/34 IPC read with Section 27 of the Arms Act, 1959 was registered at P.S. Hazrat Nizamuddin. The injured died during the treatment and Section 302 IPC was added.



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13. The Post-Mortem Report dated 10.03.2022 opined *the cause of death to be death due to shock, as a result of multiple stab injuries sustained over neck, chest, abdomen of which injury No. 2, 4, 12 and 14 was sufficient to cause death in ordinary course of nature.*

14. During the investigation, CCL Suhail @ Sahil was apprehended on 10.03.2022. The second CCL Md. Noor was apprehended on 15.03.2022 and the Applicant was arrested on 16.03.2022.

15. During the course of investigations, one loaded country made pistol and blood-stained knife was recovered from the possession of CCL Sohail @ Sahil.

16. Further, Abdul Malik, father of deceased Atib provided video clips in a pen drive in one of which, the Applicant is seen present in a blue cap and instructing the other associates before the incident. In another clip, the Applicant can be seen running along with other associates, from there immediately after the incident.

17. It is further submitted that all the video clips are not showing entire incident as there are 03 other victims injured i.e. Farid, Abrar and Amir, who had sustained dangerous and sharp injuries. The name of the Applicant is mentioned in the FIR and he had active involvement in committing the murder of Atib and causing injuries to the other victims.

18. It is further submitted that CCL Suhail @ Sahil, Md. Noor and Tilak @ Bheema were released on bail from the Juvenile Justice Board, but they misused their freedom a Suhail @ Sahil and Noor, along with other associate Katya, threatened the main witness/victim Fareed on 24.01.2023 for which *separate FIR No. 0041/2023 under Sections 195A/506/34 IPC* has been registered at P.S. Hazrat Nizamuddin.



19. The Chargesheet against the Applicant already stands filed and the matter is pending at the stage of Prosecution evidence. *It is a heinous offence of brutal murder and the Bail Application is strongly opposed.*

**Submissions heard and record perused.**

20. *Briefly stated*, the case of the Prosecution is that on 09.03.2022, the Applicant along with three CCLs, caused stab injuries, which resulted in death of Atib and injury to three other persons. The Chargesheet has been filed. Even though the first argument is that the 03 CCLs have been admitted to Bail, however, it cannot be overlooked that the Bail has been granted by the Juvenile Justice Board. It is also pertinent to note that threats were extended by the CCLs to the main witness Fareed for which a separate FIR has been registered.

21. It was observed by the Ld. Trial Court that the witnesses had been served but they failed to appear despite service andailable warrants were issued against them. It was observed in the Order dated 23.08.2023, that the family members of PW-Farid and Abrar were being threatened for which they were not appearing in the Court. On 27.03.2025, father of Javed Khan had appeared in the Court and stated that his son was being consistently threatened by the Accused and because of the fear for his life, he was not appearing in the Court and was living under fear. *The Police protection was granted* despite that Javed Khan did not appear in the Court on 23.05.2025. Subsequently, Javed Khan appeared and was examined as PW-4.

22. The 02 public witnesses PW-1 Farid and PW-2 Abrar were also examined. The PW-1 in his examination-in-chief deposed about the role of the Applicant, though in the cross-examination conducted on 05.10.2024, he



resiled from his previous statement.

23. PW-2 Abrar was examined on 23.10.2014 but he failed to support the case of the Prosecution. PW-3 Amir also deposed about commission of the offence, but did not support the story of the Prosecution.

24. What emerges is that they have been under constant threat and have been reluctant witnesses in the Court. Admittedly, one FIR No. 0041/2023 under Sections 195A/506/34 IPC has also been registered at P.S. Hazrat Nizamuddin against the co-accused.

25. Pertinently, it has been argued on behalf of the Prosecution that all the 03 witnesses identified the Accused in the Court and stated that he was residing in the same locality and was known to them since prior to the incident.

26. From the aforesaid detailing of the circumstances in which the witnesses have appeared, it is evident that there was a constant threat from the Applicant and other co-accused and out of fear, the witnesses had appeared only under the Police protection. Furthermore, the witnesses have deposed about the case of the Prosecution; to what extent that they have been able to prove the case of the Prosecution is a matter of trial and at this stage, there can be no minute analysis of the evidence and the testimony of the witnesses.

27. The offence committed is heinous in nature wherein there is a specific allegations of involvement of the Applicant as an active participant in the commission of the offence.

28. Considering the gravity of the offence wherein while one Atib died, and injuries were sustained by three other persons and the conduct of the Applicant, it is not considered a fit case for grant of Bail.



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29. Accordingly, the Bail Application is dismissed. The pending Applications, if any are disposed of accordingly.

**(NEENA BANSAL KRISHNA)**  
**JUDGE**

**AUGUST 11, 2025**

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