



2025:DHC:3359



\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on :05.05.2025*+ **BAIL APPLN. 894/2025**

TASLIM

.....Petitioner

Through: Mr. S.Azad, Advocate with
Mr. Mohd Shoaib and Ms.
Riya khandelwal, Advocates

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the
State with Ms. Diha Ganju,
Adv. along with Inspr. Anand
Kumar.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of this bail application under Section 483 of Bhartiya Nagrika Suraksha Sanhita, 2023 (hereafter '*BNSS*') the petitioner is seeking grant of regular bail in case arising out of FIR No. 480/2020, registered at Police Station, Dayal Pur, Delhi, for the commission of offences punishable under Sections 302/307/201/120B/34 of Indian penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the facts of the present case are that on 12/09/2020, a PCR call was received at PS Dayalpur regarding a



2025:DHC:3359



firing that had taken place at B-254, Gali No. 4-1/2, Munga Nagar, Delhi. Subsequently, a team of police officials had reached the spot i.e. the first floor of the said house, where a small factory was situated, they found a person lying dead. He was immediately taken to the JPC hospital where he was declared “brought dead” and MLC no.1591/20 of the deceased was obtained. In the meanwhile, the police also learned that another person, Jojaf Patrick had also sustained a gunshot injury in the same incident and was undergoing treatment in JPC hospital *vide* MLC no.1588/20. Upon interrogation, the statement of the eyewitness, Naushad (factory owner), was recorded wherein it was stated that on 12.09.2020, Naushad, along with his three workers, namely Arif, Sonu, and Salman, and the present accused/applicant, were present at his factory. Soon after, they were joined by the deceased and one Jojaf Patrick. At around 8:00 PM, other accused persons Javed @ Chikna and Fajju entered the factory, armed, while their two associates, Sattar and Sabjaan, remained standing on the staircase. Thereafter, a verbal altercation took place between the co-accused Javed @ Chikna and deceased, the co-accused started firing when Jojaf tried to intervene, he was also fired at Javed. Subsequently, Sattar and Sabjaan had entered the factory and, along with Fajju, also opened fire on the deceased. Due to the sudden attack, Jojaf and the present applicant/accused had jumped from the balcony in the street to save themselves, while the deceased had succumbed to gunshot injuries.

3. On the basis of the aforesaid, the present FIR was registered.



2025:DHC:3359



4. It is alleged that Sabjaan, a close associate of Javed @ Chikna, was in a live-in relationship with one Shakeela, who had divorced her husband and had been residing with Sabjaan for the past two years. During the course of their relationship, Shakeela had allegedly insisted on marriage, which was refused by Sabjaan. A complaint in this regard was also made to the police by Shakeela. Shakeela, a native of Jahangirabad, Bulandshahar, U.P.—which is also the native village of accused Javed @ Chikna—had approached the deceased herein to persuade Sabjaan to marry her. On the other hand, Javed @ Chikna had intervened in support of Sabjaan, resulting in a verbal altercation between Javed and Farukh. It is further alleged that on 06.07.2020, an attempt to fire at Javed @ Chikna was made by one Iqbal Kana, but the shot did not succeed, and Iqbal Kana was allegedly beaten by Javed. Consequently, FIR No. 361/20 dated 07.07.2020 under Sections 25/27/54 of the Arms Act and Sections 323/341/506/34 IPC was registered at PS Dayalpur. The said attempt was perceived by Javed as a personal insult and it was suspected by him that the attempt had been orchestrated by deceased Farukh Pahalwan to eliminate him. Subsequently, a negotiation meeting was arranged at the office of deceased Abdul Hamid at Gali No. 6, Nehru Vihar, Delhi, wherein accused persons Taslim, Javed @ Chikna, Sabjaan, Shakeel @ Durrani, Iqbal Kana, and both deceased—Abdul Hamid and Farukh Pahalwan—were present, and the matter was allegedly settled amicably. However, it is alleged that Javed continued to hold a grudge against Farukh, particularly after FIR No.



2025:DHC:3359



439/20 dated 14.08.2020 under Section 377 IPC was registered against Sabjaan by Shakeela. It is also alleged that the present accused/applicant, a schoolmate and native of the same village as Javed @ Chikna, maintained a close relationship with him and used to meet him during his visits to Delhi. He had actively participated in the meetings concerning the dispute involving Shakeela and was present at the meeting organized with the deceased, Farukh. On the date of the incident, it is alleged that the present applicant had visited the residence of the deceased and persuaded him to visit Naushad's factory in the evening, having full knowledge of the conspiracy to murder the deceased herein.

5. The learned counsel for the applicant argues that the applicant has been falsely implicated in the present case and there is no direct involvement of the applicant in the commission of the alleged offence. It is further submitted that PW-2, a key prosecution witness, has already turned hostile. It is also submitted that the investigation in the present case has been concluded and charge sheet has already been filed before the learned Trial Court. Moreover, the present accused/applicant has been in judicial custody for the last 4 years and 7 months, and no useful purpose would be served by keeping him in further custody, and that the trial is likely to take time to conclude. Therefore, it is prayed that he be granted regular bail.

6. The learned APP for the State, on the other hand, has vehemently opposed the present bail application and argues that the involvement of the present accused/applicant is corroborated from the



2025:DHC:3359



Call Detail Records (CDR) of accused Javed @ Chikna and the present applicant. The CDR analysis clearly indicates that immediately after the arrival of the deceased at the place of incident, information was passed by the present applicant to the accused Javed, who was already present nearby. It is further submitted that during the investigation, the accused Javed @ Chikna disclosed that the present applicant had assisted him in the commission of the offence, as both Shakeela and him belong to his native village Jahangirabad. It is submitted that the case is presently at the stage of prosecution evidence, and there are chances that the accused may abscond or influence the witnesses if released on bail. The statement of PW-6 has also been recorded, wherein it has been specifically stated that the present applicant had informed deceased Farukh that he would also be present, which supports the prosecution's case. Accordingly, it is prayed that the present application be dismissed.

7. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.

8. This Court is of the opinion that the present accused/applicant as per investigation, has played active role in the alleged conspiracy to eliminate the deceased Farukh Pahalwan. It has been specifically alleged that the applicant had prior knowledge of the motive of co-accused Javed @ Chikna to take revenge from the deceased, arising out of the chain of incidents involving other persons, Shakeela and Sabjaan, as have been detailed in the preceding paragraphs of this order.



2025:DHC:3359



9. As per testimony of PW-6, Naushad, it is clear that the present applicant had told the deceased that “*meri phone pa ussey baat hui hai, javed aane wala hai*”, establishing the fact that the information about the co-accused coming to the spot of incident was given to the deceased by the present applicant.

10. In this regard, the Call Detail Record (CDR) *prima facie* supports the case of the prosecution that immediately after the arrival of the deceased at the factory, the present applicant had informed co-accused Javed @ Chikna, who was already prepared to commit the said offence. The record also reveals that the disclosure statement of co-accused Javed @ Chikna and the recorded testimony of PW-6 clearly *prima facie* establish direct involvement of the present applicant in the offence in question.

11. As per Status Report, three pistols, one *desi katta* and 16 live cartridges along with one motorcycle and one i10 car was recovered from the possession of the accused persons, used in the commission of offence, clearly showing their preparation and intent to commit the alleged offence.

12. Given the aforesaid facts and circumstances, it cannot be said that there is no role of the present applicant in the present offence. At this stage, considering the nature and gravity of the offence, and the fact that the trial is at the stage of recording prosecution evidence, this Court is not inclined to grant bail to the present applicant.

13. In view of the above, the present application stands disposed of.



2025:DHC:3359



14. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

15. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 5, 2025/ns