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

+ **BAIL APPLN. 160/2025**

ASAD TOTLA

.....Petitioner

Through: Mr. Akshay Bhandari, Ms. Megha Saroa, Mr. Anmol Sachdeva, Mr. Kushal Kumar and Mr. Janak Raj Ambavat, Advs.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP with Insp.Yogendra Kumar, P.S.Jafrabad.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **09.10.2025**

CRL.M.A. 29974/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 160/2025 & CRL.M.A. 11345/2025 PRAYING TO FILE THE EVIDENCE OF 2 PUBLIC WITNESSES, CRL.M.A. 29973/2025 TO FILE ADDL. DOC.

1. This is an application filed on behalf of the applicant/accused-Asad Totla for the grant of regular bail in case FIR No. 715/2022, P.S. Jafrabad under Section 302/201/120B/34 IPC.
2. Learned counsel for the applicant submits that the case against the present applicant is based solely on the disclosure statement of co-accused persons. The applicant is not even named in the disclosure statement of co-



accused Aaman Khan and Aatif who allegedly committed the murder of the deceased.

3. It is submitted that the mobile phone being used in the jail was recovered from the co-accused Almas@Salman@Allu Khan and no recovery has been effected from the present applicant.

4. He further submits that both the public witnesses, namely, Alisha and Saniya, who allegedly over-heard the applicant, have since been examined but they have not supported the prosecution case.

5. It is submitted that there is no evidence whatsoever against the present applicant who has been in custody since last more than 2 ½ years.

6. The bail application has been opposed by learned APP arguing that even though the mobile phone was recovered from the co-accused Salman @ Allu, the applicant also used to convey instructions from the said phone to the co-accused while staying in the same barrack. He further submits that the applicant is a habitual offender involved in 11 criminal cases. He has no place of residence and there is every likelihood that he may abscond or even evade the legal process.

7. In rebuttal, the learned counsel for the applicant submits that the applicant was granted interim bail by this Court, but he did not misuse the liberty so granted and surrendered in compliance of the conditions of the bail.

8. As per the prosecution case, on 19.11.2022, the dead body of Aamir @ Tori was recovered. During investigation, co-accused Aaman Khan and Arif had surrendered and were arrested in the present case. In the disclosure statement, they confessed having murdered the deceased to take revenge of Almas Khan @ Allu, brother of Aaman Khan who was in jail. Almas Khan



@ Allu suspected that Aamir @Tori had informed the police about him which led to his arrest, and therefore, in order to take revenge, he planned to commit the murder of Aamir @ Tori. The status report reveals that the directions to execute the plan was received from jail via phone of Almas Khan @ Allu.

9. The role of the present applicant is that he was also in jail at the time of incident but was in continuous touch with the assailants through the mobile phone of Almas Khan @ Allu.

10. During investigation, three mobile phones and two SIMs were recovered from the possession of co-accused Almas Khan @ Allu by the jail authorities, and the applicant was also lodged in the same barrack from where the recovery was effected.

11. Admittedly, the applicant is not named in the FIR and is not the one who committed the murder of Aamir @ Tori inasmuch as he was in jail at the time of the alleged offence. The only allegation against the applicant is that he was in constant touch with the assailants from the jail through the mobile phone of Almas Khan @ Allu. Admittedly, the mobile phone was not recovered from the present applicant.

12. The two witnesses, namely, Alisha (PW-1) and Saniya (PW-2), who allegedly over-heard the co-accused Amaan, Atif and Abid @ Sonu talking on phone with the applicant and the co-accused Salman @ Allu have turned hostile and have not supported the prosecution version.

13. The prosecution is also relying upon the call detail records. However, the mobile phone /SIM card were not in the name of the applicant and the same were recovered from co-accused Almas Khan @ Allu.

14. Besides above, learned APP has not been able to point out any other



incriminating evidence qua the present applicant.

15. Merely because, the applicant is involved in 11 criminal cases, cannot be the sole ground for rejection of bail. The trial is still at an initial stage as only two witnesses out of 20 cited by the prosecution have been examined so far. Therefore, there is no possibility of completion of trial soon. The applicant is stated to be in judicial custody since 22.03.2023.

16. Hence, considering the totality of facts and circumstances, and in the light of discussion above, the applicant/accused Asad Totla is admitted to bail upon his furnishing a personal bond for a sum of Rs.50,000/- with a surety of like amount to the satisfaction of learned Trial Court/Duty Magistrate subject to the following conditions:

- (a) that the applicant shall not try to contact or threaten or intimidate the witnesses;
- (b) that the applicant shall share his permanent address and his mobile number to the Investigating Officer and shall always keep the same operational throughout;
- (c) that the applicant shall cooperate during the trial;
- (d) that the applicant shall not involve himself in any other criminal case.

17. It is clarified that nothing contained in this order shall tantamount to an expression on the merits of the case.

18. The bail application is accordingly disposed of.

19. Copy of this order be sent to the Superintendent Jail for information and necessary compliance.

RAVINDER DUDEJA, J

OCTOBER 9, 2025/ib/ak