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

+ **BAIL APPLN. 762/2025**

SHAHJAD

.....Petitioner

Through: Mr. Paramjeet and Mr. Saurabh
Gupta, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

01.05.2025

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1. By way of the present application, the applicant seeks grant of regular bail in FIR No. 7/2020, registered at Police Station Shahbad Dairy, Delhi, for the offences punishable under Section 302/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').
2. Briefly stated, the present case was registered on the statement of Sh. Dafedar Singh, a resident of Shahbad Dairy, Delhi, who had disclosed that he used to work as a vegetable hawker and his son, Sandeep, used to assist him. On 04.01.2020, at about 7:00 PM, his son Sandeep had returned from their native village and had come to meet him at the market. Later, around 9:30 PM, when the complainant had returned home, he had found Sandeep watching television in his room. At around 10:00 PM, the complainant had heard a noise from Sandeep's room, and when he had gone to check, he had seen four persons, including Sandeep Sansi, engaged in a heated exchange



with his son. His son had then run out into the street to save himself, while the accused Sandeep Sansi and his three associates had chased him. The complainant had also run behind them. As alleged, during the chase, Sandeep Sansi had fired at his son from behind and had fled the spot, whereas as his son (the victim) had collapsed on the road. Thereafter, the complainant's other son, Devender, along with other persons, had taken the victim Sandeep to BSA Hospital, Rohini, where he was declared 'brought dead' by the doctors. Thereafter, the present FIR was registered.

3. During the course of investigation, the present applicant Shahzad, and co-accused Shamsuddin @ Maharaj, were arrested on 10.01.2020. Co-accused Sandeep Sansi, was arrested subsequently on 13.01.2020. Statements of witnesses were also recorded, wherein they stated that co-accused Sandeep Sansi, the present applicant Shahzad, and co-accused Shamsuddin @ Maharaj had murdered the victim Sandeep and had fled the spot on a scooty. The scooty used in the commission of the offence was recovered at the instance of the present applicant Shahzad. It had also emerged during investigation that the applicant herein was an associate of the main accused Sandeep Sansi, who is a known 'Bad Character' (BC) of P.S. Mangolpuri, while co-accused Shamsuddin @ Maharaj and Sandeep Sansi are both BCs of P.S. Shahbad Dairy. The weapon of offence used in the crime had been recovered at the instance of accused Sandeep Sansi during the investigation.

4. The learned counsel appearing for the applicant argues that the applicant has been in judicial custody for the last five years, even though he has been falsely implicated in the present case. It is argued that the complainant, who is allegedly the eye-witness, has not identified the present



applicant during Test Identification Parade. It is contended that the trial will take some time to conclude, and therefore, it is prayed that the applicant be released on regular bail.

5. The learned APP for the State, on the other hand, argues that the allegations against the applicant are grave and serious in nature, and that the scooty used in the offence in question had been recovered at the instance of the present accused/applicant. It is argued that the complainant has been partially examined and his further examination and cross-examination as well as testimonies of other material witnesses are yet to be recorded. It is further argued that the complainant/eye-witness, who did not identify the present applicant during TIP, had later in his statement recorded under Section 161 of Cr.P.C., given the reason for the same, i.e., due to fear of the accused persons as they were notorious criminals.

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

7. In nutshell, the allegations against the present applicant are that he, along with co-accused Sandeep Sansi and Shamsuddin @ Maharaj, had chased the deceased Sandeep @ Chimta (after a heated exchanged), and during the chase, co-accused Sandeep Sansi had fired at the deceased, resulting in his death. The accused persons had then fled the spot on a scooty.

8. During the course of investigation, the statement of the victim's brother, Devender, was also recorded. He also claimed to be an eye-witness to the incident and had corroborated the version given by the original complainant, who is the father of the deceased, on whose statement the



present FIR had been registered. Devender had revealed that he had noted down the last four digits of the registration number of the scooty on which the accused persons had fled the scene, which were '8302'.

9. Notably, the scooty bearing registration number DL-11-SA-8302 was recovered at the instance of the present applicant and co-accused Shamsuddin @ Maharaj. It is also noted that although the eye-witness had not identified the applicant during the Test Identification Parade, he subsequently, in his statement recorded under Section 161 of Cr.P.C., stated that he had refrained from identifying the accused due to fear, as both the applicant and co-accused are known to be notorious criminals.

10. It is further noted that the testimony of only three out of the nineteen prosecution witnesses has been recorded so far. Crucial witnesses, including the complainant and eye-witnesses, are yet to be examined. As per submissions made before this Court, the complainant's further examination and cross-examination before the learned Trial Court are still pending.

11. Moreover, the applicant has previously been involved in seven other cases. He stands convicted in FIR No. 296/2013 for offences punishable under Sections 380/411/34 of IPC. In FIR Nos. 141/2014 and 933/2015, the matters were compounded, which indicates that the applicant had compromised with the complainants, thereby acknowledging his involvement in the offence.

12. The Hon'ble Supreme Court in ***X v. State of Rajasthan: SLP(Crl.) 13378/2024*** has observed that ordinarily, in offence like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining the witnesses, the Courts should be loath in entertaining bail applications of



the accused.

13. In view of the aforesaid, and considering the totality of facts and circumstances of the case, including the applicant's past criminal antecedents and the stage of trial, this Court is not inclined to grant regular bail to the present applicant.

14. Accordingly, the present application stands dismissed.

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

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 1, 2025/zp

[Click here to check corrigendum, if any](#)