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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1871/2025 & CRL.M.A. 15116/2025

SOHAIB @SAHIB

@MUDASSIR ANSARI

.....Applicant

Through: Mr. Umar Ahmed Abbasi
and Mr. Sahib Gurdeep
Singh, Advocates.

versus

THE STATE OF NCT DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP
for the State with Insp.
Arvind Kumar, PS
Mahendra Park and Insp.
Lokesh Kumar Sharma,
PS DIU/.South West Distt.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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19.08.2025

1. The present application has been filed by the applicant seeking regular bail in FIR No. 228/2024 registered at Police Station Mahendra Park for the offences under Sections 302/452/506/34/120B of the Indian Penal Code, 1860 ('IPC') and Sections 25/27 of the Arms Act, 1959.
2. The brief facts are that that on 26.04.2024 the police had received a call regarding a gun shot injury, whereafter, the police headed to Babu Jagjivan Ram Hospital, Delhi.
3. As per the MLC, the deceased had suffered a gunshot injury and was declared brought dead.
4. Thereafter, the statement of the eye-witness who was the sister of the deceased was recorded, wherein, she alleged that on

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26.04.2024 at around 3:00 p.m., CCL M along with two co-accused persons armed with a pistol had forcibly entered the house of the deceased.

5. It is alleged that thereafter CCL M started to inquire about the whereabouts of the daughter of the deceased and allegedly threatened to shoot them if he was not told about the same.

6. It is alleged that upon refusal by the deceased, CCL M shot her and thereafter all the three accused persons fled away from the spot of the incident.

7. She further stated that CCL M was previously involved in abducting the daughter of the deceased and three FIRs being FIR No. 1498/2021 dated 04.12.2021 under Section 363 of the IPC, FIR No. 818/2023 dated 22.07.2023 under Section 363 of the IPC and FIR No. 137/2024 dated 04.03.2024 under Section 363 of the IPC had been registered against CCL M.

8. Pursuant to the statement of the eye-witness the present FIR was registered.

9. It is alleged that during the course of investigation, supplementary statement of the sister of the deceased was recorded, wherein, she stated that at the time due to fear and panic she was not able to name the co-accused persons, whereafter, she named the applicant and CCL S to be the ones who accompanied CCL M.

10. It is alleged that CCL M and CCL S were apprehended from Gorakhpur and thereafter on the basis of a secret information the applicant was arrested on 28.04.2024.

11. It is alleged that during the Police Custody Remand of the applicant, CCL A was apprehended and from him a pistol was recovered which was given to him by the accused persons after

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the commission of the alleged incident.

12. It is alleged that during the course of investigation the mother and father of CCL M were arrested and they disclosed regarding their involvement in the alleged offence. It is alleged that at their instance one empty cartridge and one live cartridge was recovered.

13. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case.

14. He submits that there are improvements in the statements of the public witnesses and the same ought not to be relied upon.

15. He submits that nothing was recovered from the applicant at the time of his arrest.

16. *Per contra*, the learned Additional Public Prosecutor of the State vehemently opposes the grant of any relief to the present applicant and consequently prays that the present application be dismissed.

17. I have heard the learned counsel for the parties and perused the record.

18. The Hon'ble Apex Court in catena of judgments has consistently emphasized the factors to be taken into account when considering bail application, which include: (i) the nature or gravity of the offense; (ii) the character of the evidence and circumstances unique to the accused; (iii) the likelihood of the accused evading justice; (iv) the potential impact of the release on prosecution witnesses and its societal repercussions; and (v) the probability of the accused engaging in tampering.

19. It is trite law that while considering an application of the accused seeking bail, the Court would not be justified in going

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into evidence on record at such depth so as to ascertain probability of conviction of the accused as the same is a matter of trial.

20. The grant of bail should not be arbitrary or whimsical. Being conscious of the fact that individual liberty holds immense significance, it is incumbent upon the Courts to examine and evaluate, albeit briefly, factors such as the *prima facie* case, the nature and severity of the crime and the accused's likelihood to tamper with evidence, among other considerations as noted above.

21. In the present case, the allegations against the applicant *prima facie* are serious in nature. It is the case of the prosecution that the applicant along with other co-accused persons are involved in the commission of the murder of the victim.

22. The learned counsel for the applicant argues that there are improvements in the statement of the sister of the deceased. It is pointed out that in the statement that led to the registration of the FIR, she had not named the applicant, however, in her supplementary statement, she subsequently named the applicant. The learned counsel for the applicant contends that the same casts a doubt in the story of the prosecution, the benefit of which should be afforded to the applicant.

23. It is pertinent to note that the Hon'ble Apex Court in several judgements has cautioned against delving into the question of credibility/reliability of the witnesses at the stage of grant of bail. From a perusal of the material on record, it is *prima facie* apparent that the eye-witness have identified the applicant and have supported the case of the prosecution.

24. It is pertinent to note that the statement of Ms. Chahat who

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is an alleged eye-witness to the alleged conspiracy was recorded, wherein, she stated that in the first week of April she had visited the house of CCL M, who along with the applicant and co-accused CCL S were conspiring to abduct the daughter of deceased.

25. She stated that the father of CCL M advised that if the family of the daughter of the deceased resisted, they should be killed in order to ensure no failure. She further stated that for the said purpose the applicant along with the co-accused persons had acquired a pistol.

26. Further, two public witnesses namely Manoj and Jitender have also confirmed the presence of the applicant at spot of the alleged incident.

27. Whether such improvement as pointed out by the learned counsel for the applicant would be fatal to the case of the prosecution would be tested at the time of final arguments. The same cannot be made a ground to enlarge the applicant on bail at this stage.

28. It is pertinent to mention that while deciding the question of bail, the Court must carefully balance the individual's right to liberty with the interests of justice. While the presumption of innocence and the right to liberty are fundamental principles of law, they must be considered in conjunction with the gravity of the offence and its impact on society.

29. In the present case, the applicant has been charged for the offence under Section 302 and if convicted would be sentenced to undergo imprisonment for life.

30. Accordingly, taking into account the submissions made by the learned counsel for the parties, and material available on
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record, this Court is of considered opinion that *prima facie*, there are serious allegations against the applicant which at this stage cannot be said to be without any material.

31. In view of the aforesaid discussion, this Court is of the opinion, that no ground for the grant of regular bail has been made out by the applicant.

32. The present application is accordingly dismissed. Pending Application(s), if any, also stand disposed of.

33. It is made clear that the observations made in the present case are only for the purpose of considering the bail applications and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

AUGUST 19, 2025