



\$~4

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

+ **BAIL APPLN. 2366/2025**

RASHID

.....Applicant

Through: Mr. Abhishek Mohanty, Adv.

versus

GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastav, APP with Insp.
Ashwani Kumar, PS Adarsh Nagar.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

08.10.2025

%

1. This is an application for the grant of regular bail filed on behalf of the applicant Rashid in case FIR no. 502/2023 under Sections 302/120B/201 IPC and Section 25 and 27 of the Arms Act, registered at Adarsh Nagar.
2. Learned counsel for the applicant submits that investigation is marked with delays and the ballistic reports are still awaited. He submits that co-accused Arshad @ Shahrukh has since been granted bail by this Court whereas the applicant's first bail plea was rejected by the learned Trial Court on incorrect factual premises.
3. Learned counsel further submits that applicant remained incarcerated despite there being no substantive evidence against him. It is argued that the entire edifice of the prosecution case is based on the disclosure statement which is inadmissible in evidence. He further states that applicant was arrested from the hospital but falsely shown to be arrested at the police



station. According to him, since the applicant was hospitalized from 22.06.2023 to 25.06.2023, he could not have participated in the alleged crime or recce. He further states that there is no CCTV footage showing the personal presence of the applicant at the scene of crime.

4. Per contra, the bail application has been opposed by learned APP submitting that the applicant is the main accused having motive to commit the murder on account of his brother Shamshad having been caused injuries by the deceased. He states that the weapons and the scooty used at the time of the commission of offence were allegedly provided by the applicant and the co-accused Akbar.

5. It is further submitted that there are 37 witnesses in the main charge-sheet and 3 witnesses in the supplementary charge-sheet who are to be examined and as of now the charges are not framed and there is a possibility that on being released, the applicant may threaten or intimidate the witnesses.

6. As per allegations, on 24.06.2023, an information regarding gun-shot injury to a person sitting in the car was received at police station. SI Rahul along with constable Bhupender reached at the spot and found a car bearing registration no. DL 7CJ-7153 in an accidental condition. The glass window of the right door of the car was found shattered to pieces and scattered over a stretch on the road. Blood stains were found lying on the front seats of the car. 11 empty cartridges and two lead bullets were found inside the car. The injured was reportedly taken to the Max Hospital in a TSR.

7. FIR was initially registered under Section 307/34 IPC. However, the injured succumbed to the injuries and accordingly, Section 302 IPC was invoked.



8. During investigation, the statement of the eye witness Vinod Sharma was recorded in which he stated that on 24.06.2023 at about 10:45 PM, he saw a white color i-10 car moving slowly due to traffic condition. Three boys on a scooty approached the car, two of them started firing at the driver. The car collided with the divider and the passengers sitting with the deceased ran away from there. The assailants fired 10-12 rounds and shouted “We have avenged Shamshad. His brothers are still alive” before fleeing towards Mukundpur. The other witnesses namely Jaskaran Singh @ Jassi and Devi Prasad also corroborated the statement of the Vinod Sharma.

9. As per status report, during interrogation Rashid had disclosed that Tanish and his associates had severely beaten his younger brother Shamshad and since then Shamshad was in coma. Seeing the condition of Shamshad, he along with his uncle Akbar and friend Arshad@Shahrukh and Ravi planned to kill Tanish and for the said purpose, they engaged the CCLs and arranged two pistols and two kattas for them. They also procured 5 SIM cards to execute the plan and used them for survey Tanish and for communication amongst themselves. They handed over the two pistols and two kattas to Uday and the other CCLs for the murder of Tanish.

10. The status report further reveals that the scooty of the applicant was used in the commission of crime by Uday and the other CCLs. The CCTV footage showed all the accused persons and the CCLs gathering, removing mobile phones being broken by the CCLs and CCLs being put in a car to be sent to UP after the incident. The car used for the purpose of transporting CCLs to UP has also been seized. The scooty of the applicant has since been recovered. On an analysis of the CDR, it was found that there was a 17 seconds call exchanged from the mobile phone of the applicant to the mobile



phone of co-accused Uday Solanki.

11. The trial is at an initial stage inasmuch, as the charges are yet not finalized. Applicant is stated to be the principal conspirator in the commission of the offence. His role is different from the role of the co-accused Arshad@Shahrukh, who has been enlarged on bail and, therefore, he is not entitled for the grant of bail on the ground of parity. The allegations *qua* the present applicant are grave and serious in nature and, therefore, this Court is not inclined to grant bail to the present applicant/accused.

12. The application, is, therefore dismissed.

13. Copy of this order be sent to Superintendent Jail for information and compliance.

RAVINDER DUDEJA, J

OCTOBER 8, 2025

Gs/Sk