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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2936/2025

AZAD KHAN

.....Petitioner

Through: Mr. Shahid Ali, Mr. Sameer Tayyeb, Mr. Mohd. Salman, Mr. Yatin Kumar, Mr. Nazar Hussain, Mr. Ahmad Saeed, Ms. Farheen and Mr. Awez Rajput, Advocates

versus

STATE THROUGH SHO PS BURARI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State with Insp. Parmjit Singh, PS Burari

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

19.12.2025

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1. By way of the present bail application, the applicant seeks regular bail in FIR No. 872/2021, registered at P.S. Burari, Delhi, for the offence punishable under Section 302 IPC.
2. Learned counsel for the applicant, Mr. Shahid Ali, submits that the applicant has been in judicial custody since 23.10.2021 in connection with the alleged incident dated 22.10.2021, and that charges have already been framed. He submits that out of a total of 18 prosecution witnesses cited, only 7 witnesses have been examined till date. It is further contended that after dismissal of the earlier bail application, all the public witnesses have since been examined, and none of them have fully supported the case of the prosecution. On the contrary, they were declared hostile and were cross-examined by the



learned APP for the State, during which even material suggestions put to them were denied. Learned counsel further submits that although the prosecution has alleged that the applicant had married the deceased, however, except for oral statements, no documentary evidence has been collected or produced. He further contends that though the prosecution has alleged that the place of incident is the house belonging to the applicant's uncle, however, again no evidence has come on record which would establish the same. Though it was alleged that the deceased had spoken to her mother prior to the incident, however the mother in her deposition denied the same. It has further come on record that the house was found locked from inside and the gate had to be cut open. Lastly, learned counsel submits that no chance prints/fingerprints were lifted from the spot or the alleged knife used in the incident and the FSL report also does not implicate the applicant.

3. The contentions are opposed by Learned APP for State, who submits that it has emerged from the testimonies of the mother, father and brother of the deceased that the applicant had married the deceased. He further submits that suggestions were put to the witnesses to the effect that, on account of this marriage, the parents of the deceased were unhappy and they had in fact, committed the offence. He however, on instructions from the I.O., submits that apart from the oral testimonies of the witnesses, no documentary evidence has been collected to substantiate the alleged marriage. It is also submitted that there is neither any witness nor any documentary evidence on record to establish that the place of incident belonged to the maternal uncle of the accused.



4. I have heard the learned counsels for the parties.

5. The case of the prosecution is based on circumstantial evidence and relies upon the factum of marriage as well as the allegation that the house where body of deceased was found belonged to the applicant's uncle. I have gone through the testimony of the prosecution witnesses examined so far. The merits of contentions raised by the applicant would be duly considered by the Trial Court at the stage of final decision. At this stage, bearing in mind the submissions made by learned APP on instructions from the I.O., the fact that the applicant has been in custody since 23.10.2021 and also the fact that material witnesses have already been examined, the applicant is directed to be released on bail on his furnishing of a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court/ Duty J.M./ link J.M./Jail Superintendent and also subject to the further following conditions:-

- (i) In case of change of residential address, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the Trial Court.
- (ii) The applicant shall regularly appear before the Court as and when the matter is taken up for hearing.
- (iii) The applicant will not leave Delhi NCR without permission of the Trial Court.
- (iv) The applicant shall also provide his contact number to the IO and shall remain available on that number.
- (v) The applicant will not tamper with the evidence or get in touch with any prosecution witness.

6. With the above directions, the application is disposed of.



7. A copy of this order be communicated electronically forthwith to the concerned Jail Superintendent for information and necessary compliance.
8. Dasti.

MANOJ KUMAR OHRI, J

DECEMBER 19, 2025

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