



2025:DHC:11319



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

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Judgment Delivered on: 02.12.2025+ **BAIL APPLN. 3536/2025****MD IMRAN @ LALLU**

.....Petitioner

Through: Mr. Pradum Kumar and Mr. Niraj
Dubey, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for
State with SI Keshav Dall PS Khajuri
Khas.**CORAM:****HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J (ORAL)**

1. The present application has been filed under Section 483 BNSS seeking regular bail in connection with FIR No. 113/2021 under Sections 302/34 IPC read with Sections 27/54/59 of Arms Act registered at PS Khajuri Khas.

2. The case of the prosecution is that on 14.03.2021, a telephonic information was received *vide* DD No. 132A at PS Khajuri Khas mentioning that a shopkeeper had been shot dead in shop no.D-91, Gali No.2, Shri Ram Colony, Delhi. The IO alongwith other police officials reached at the informed spot and found the deceased namely, Shohrab Ansari @ Guddu @ Rustam lying in pool of blood in the said shop. The complainant namely, Sarfaraz, who was found present at the spot, stated that he was in the shop alongwith his *Mausa* (uncle) deceased Shohrab Ansari and one Adil. At



2025:DHC:11319



around 08.00 P.M., two persons came inside the shop and one of them was standing at the gate of the shop. The person inside the shop first asked the complainant to show a shirt and then he suddenly fired at his uncle. The other co-accused also fired, and after firing both of them fled from the spot.

3. During investigation, the accused seen in the CCTV were identified as Sonu Raj, Santosh Kumar and Gaurav Kumar @ Sonu @ Govind, all resident of Patna, Bihar. In the investigation it also came to light that deceased Shohrab and one Ajay Verma were rival gangsters of Patna. Deceased Shohrab had fired at Ajay Verma in 2017 in respect of which a case vide FIR No. 276/2017 under section 307/34 IPC was registered at PS Sultanganj, Patna. Ajay Verma wanted to take revenge from the deceased, therefore, he alongwith Imaran @ Lallu (petitioner herein) hatched conspiracy to kill Shohrab and hired the above three shooters to eliminate Shohrab.

4. As per the status report, the deceased had shifted to Delhi with his family. The petitioner had some family relation with the deceased. He did *reiki* of the work and business places of the deceased and showed the same to the co-accused Gaurav, Santosh and Sonu Raj, the three shooters who shot the deceased on the date of incident.

5. One of the accused namely, Sonu Raj was arrested in this case in March, 2021 itself. He disclosed his involvement and entire chain of incidents. After completion of investigation *qua* Sonu Raj, the charge sheet was filed against him.

6. Thereafter, two accused namely, Santosh Kumar and Gaurav Kumar @ Sonu were arrested in some other case in Bihar. Subsequently, the petitioner was also arrested in other case in Bihar. He was produced before



2025:DHC:11319



the Court in connection with present case FIR through production warrant and was formally arrested on 19.10.2023.

7. It stated in the status report that there is sufficient evidence against the present petitioner in the form of CCTV footages, the statement of witnesses and the disclosure statement.

8. Mr. Pradum Kumar, learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody since 19.10.2023. He submits that the CCTV footages relied upon are of 20th and 21st of February while the incident is of 14.03.2021.

9. He contends that the charges have been framed but no prosecution witness has been examined till date, and hence the trial is going to be a protracted one.

10. *Per contra*, Mr. Ajay Vikram Singh, learned APP for the State has argued on the lines of the status report.

11. I have heard the learned counsel for the petitioner as well as learned APP for the state, and have perused the record.

12. The prosecution case as borne out from the status report is that the co-accused Ajay Verma, who is the mastermind in the present case, and the deceased were rival gangsters of Patna, Bihar. Earlier an FIR No. 276/2017 under Sections 307/34 IPC was registered in Patna as per which the deceased had fired at Ajay Verma. For taking revenge, the co-accused Ajay Verma along with the present petitioner, who has some family relation with the deceased, hatched a conspiracy to kill the deceased.

13. The petitioner allegedly played an active role by inspecting the work place and residence of deceased and showing them to the co-accused (three shooters), who shot dead the deceased.



2025:DHC:11319



14. As per the status report, the petitioner is seen at the residence of main conspirator Ajay Verma along with co-accused Sonu Raj, Santosh Kumar and Gaurav Kumar in the CCTV footage of 20.02.2021. Likewise, the petitioner is also seen along with co-accused in another video footage of 21.02.2021 which has been taken from OYO Lal Koti Hotel, Bhajanpura, Delhi. The CCTV footages also suggest that the petitioner was in active touch with the co-accused persons before the incident took place on 14.03.2021. Thus, there is reasonable ground to believe that the petitioner is involved in the commission of offence. Further, gravity of the offence alleged is severe which attracts punishment of life imprisonment or even death penalty.

15. In the status report, the prosecution has also expressed the apprehension that if released on bail, the petitioner may threaten the family of deceased or witnesses. This apprehension of the prosecution cannot be said to be without basis at this stage, since none of the public witnesses have yet been examined.

16. The law is well settled that the circumstances to be considered while granting or refusing Bail in a case of serious offences, amongst others, are : (i) the existence of a prima facie case against the accused; (ii) the nature and gravity of the accusation; (iii) the severity of the punishment upon conviction; (iv) the danger of the accused absconding; (v) the character and standing of the accused; (vi) the likelihood of the offence being repeated, and; (vii) the reasonable apprehension of witnesses being influenced. Reference in this regard may be had to the decision of the Hon'ble Supreme Court in *State of U.P. vs. Amarmani Tripathi, (2005) 8 SCC 21*, wherein it was observed as under:



“18. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail.”

17. Insofar as submission of Mr. Kumar that the petitioner has been incarcerated since 19.10.2023 and trial will take long time since the prosecution evidence has not yet commenced, suffice it to observe that long period of incarceration and unlikelihood of the trial concluding in the near future cannot itself be the ground for grant of Bail. Reference in this regard may be had to the following observations of the Hon’ble Supreme Court in ***Amarmani Tripathi*** (supra):

“19.[T]he condition laid down under Section 437(1)(i) is sine qua non for granting bail even under Section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to be enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

(emphasis supplied)



2025:DHC:11319



18. In view of the aforesaid circumstances, and the evidence which *prima facie* shows petitioner's pivotal role in the conspiracy and the commission of crime, this Court is not inclined to grant bail to the present petitioner at this stage, when public witnesses have not yet been examined.

19. Accordingly, the petition is dismissed.

20. However, it is made clear that the observations made herein above shall not be construed as an expression of opinion on the merits of the case.

VIKAS MAHAJAN, J

DECEMBER 02, 2025

N.S. ASWAL