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

+ **BAIL APPLN. 3964/2025**

EBRIN@RAHUL

.....Petitioner

Through: Mr. M.K. Perwez, Adv.

versus

GOVT NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for
State with SI Abhishek Singh, PS.
Wazirabad.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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26.11.2025

1. The matter is taken up today as 25.11.2025 was declared as holiday on account of Guru Teg Bahadur's Martyrdom Day.
2. The present petition has been filed seeking regular bail in connection with FIR No. 32/2020, under Section 302/201/147/149/427 IPC read with Section 27 of the Arms Act registered at Police Station Wazirabad.
3. The case of the prosecution is that a PCR call was received at the midnight on 18.01.2020 vide DD No. 48A to the effect that an injured person was lying at RCC Road near Burari Traffic Signal, Hardev Nagar, Delhi.
4. ASI Virender Pal accompanied by two other constables reached the spot, where Grey Maruti EECO Vehicle bearing Registration No. DL-4CAX-6013 was found parked and its window glasses shattered. Upon inquiry at the spot, no eye witness was found. Meanwhile, information was received from Babu Jagjivan Ram Memorial Hospital that one Kartik had



been brought dead to the hospital. The body bore a stab injury on the left side of the chest. During investigation, an eye witness/PW-16 came forward. He stated having witnessed 5-6 boys from the Fatfat Sewa assaulting the EECO driver i.e. the deceased.

5. Mr. M.K. Perwez, learned counsel for the petitioner submits that the present case is based on the testimony of sole eye witness i.e. Ahmed Wasik/PW-16.

6. Referring to the testimony of PW-16, he submits that the said eye witness has attributed stab injury to co-accused Kapil. He further contends that the said witness had not supported the case of the prosecution on the point of identity of the accused person, accordingly, he was cross-examined by the learned Chief Public Prosecutor.

7. He contends that during said cross-examination, the suggestion put to PW-16 to the effect that the present petitioner along with co-accused Akash and Pawan had given beatings to the deceased driver of the EECO, was denied by the him.

8. He contends that even otherwise, it is not the case of the prosecution that the present petitioner had given any stab injury to the deceased, in as much as, the MLC reveals only one stab injury on the person of the deceased.

9. *Per contra*, Mr. Ajay Vikram Singh learned APP for the State has argued on the lines of the Status Report.

10. I have heard Mr. M.K. Perwez, learned counsel for the petitioner, as well as, Mr. Ajay Vikram Singh, learned APP for the State and have perused the relevant record.

11. A bird's eye view of the testimony of Sh. Ahmed Wasik/PW-16



shows that the said witness has attributed the knife blow to co-accused Kapil. Further, in so far as the present petitioner is concerned, he has not been identified by the said eye-witness, rather during his cross-examination done by the learned Chief Public Prosecutor, the witness has denied suggestion to the effect that any beatings to the deceased driver of the EECO vehicle was given by the petitioner and co-accused Akash and Pawan.

12. Though, the probative value of the testimony of PW-16 and the reliability of the said witness will be seen by the learned Trial Court during the course of trial, however, the circumstances which have come on record through the testimony of PW-16 tilts the balance in favour of the petitioner for grant of regular bail.

13. Further, on being queried by the Court, learned APP, on instructions from the I.O, who is present in Court, fairly states that there are no previous criminal antecedents of the petitioner. It is also not the case of the prosecution that the petitioner is a flight risk.

14. Accordingly, the petitioner is admitted to regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

- (a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- (b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.



(c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses or any family members of the witnesses.

15. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.

16. The petition is disposed of.

17. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

18. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

NOVEMBER 26, 2025/dss