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

+ **BAIL APPLN. 3974/2025**

AKASH ALIAS TB

.....Petitioner

Through: Mr. Ajay Raghav, Adv.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for State
with Insp. Amit Kumar SI Abhishek
Singh PS Wazirabad, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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16.12.2025

1. The present petition has been filed seeking regular bail in connection with FIR No. 32/2020, under Section 302/201/34 IPC registered at Police Station Wazirabad, Delhi.
2. The case of the prosecution is that a PCR call was received at the night of 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.
3. Upon receipt of said information, ASI Virender Pal accompanied by two other constables reached the spot, where a grey Maruti EECO vehicle bearing Registration No. DL-4CAX-6013 was found parked and its window glasses shattered.
4. Upon inquiry at the spot, no eye witness was found. Meanwhile, information was received from Babu Jagjivan Ram Memorial Hospital *vide*



DD No. 05-B dated 19.01.2020 informing 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. Ajay Raghav, learned counsel for the petitioner submits that the present case is based on testimony of the 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 the 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 three accused person, namely Pawan, Rahul Kumar and Akash (present petitioner).

7. He submits that the said witness was cross-examined by the learned Chief Public Prosecutor and nothing could be elicited from him during his cross-examination insofar as identity of present petitioner is concerned.

8. He submits that co-accused namely, Pawan and Rahul, who are similarly situated as the petitioner, have already been granted bail.

9. He submits that the petitioner was granted interim bail for a period of one week and the petitioner had surrendered within time.

10. *Per contra*, Mr. Tarang Sirvastava learned APP for the State has argued on the lines of the Status Report.

11. I have heard Mr. Ajay Raghav, learned counsel for the petitioner, as well as, Mr. Tarang Srivastava, learned APP for the State and have perused the relevant record.

12. A cursory glance of the testimony of PW-16, shows that the knife



blow is attributed to co-accused Kapil. Further, in so far as the present petitioner is concerned, he has not been identified by the said 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 victim was given by the petitioner and co-accused Pawan and Rahul.

13. 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 noted hereinabove tilts the balance in favour of the petitioner for grant of regular bail.

14. Further, on being queried by the Court, learned APP fairly states that there are no previous criminal antecedents of the present petitioner as per nominal roll.

15. It is also not in dispute that co-accused Pawan and Rahul, who are similarly placed as the present petitioner, have been granted bail. Further, there is no dispute that the petitioner, when he was granted interim bail for a period of one week, did not misuse the same.

16. 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) The petitioner shall appear before the Court as and when the matter is taken up for hearing.
- (b) The petitioner shall provide his 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) The 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.

17. 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.

18. The petition is disposed of.

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

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

VIKAS MAHAJAN, J

DECEMBER 16, 2025

N.S. ASWAL