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

+ **BAIL APPLN. 315/2026**

ASHU @ ATTA

.....Petitioner

Through: Mr. Vineet Jain, Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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11.03.2026

CRL.M.A. 2554/2026

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 315/2026

1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 210/2018, registered at Police Station Prasad Nagar, Delhi for the commission of offences punishable under Sections 302/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
2. Briefly stated, the facts of the present case are that on 19.07.2018, a PCR call was received at Police Station Prasad Nagar, which was recorded as DD No. 4A. Acting on the said information, SI Murari Lal along with Constable Ramnarayan had reached Gothi Park, Pyare Lal Road, Dev Nagar,



Karol Bagh, Delhi, where a pool of blood was noticed near an iron bench inside the park. It was learnt that the injured, later identified as Vishal, had been assaulted with a knife by the present applicant, Ashu @ Atta, along with his associates, and had been taken to Lady Hardinge Medical College Hospital by his friends, where he was declared dead. The MLC recorded that the injured had sustained stab and lacerated wounds on the left thigh and right forearm, along with an abrasion on the right side of the neck, and he was brought to the hospital in an unconscious condition. The statement of the complainant, Pawan @ Hanni, brother of the deceased, was thereafter recorded. He stated that on the intervening night of 18/19.07.2018, at about 10:00 PM, the deceased had gone for a walk after dinner. At about 11:30 PM, upon hearing noises of a quarrel from Gothi Park, the complainant had rushed to the spot and he had allegedly seen co-accused Rahul Gupta @ Tyagi and another person holding the deceased, while the present applicant had repeatedly attacked him with a knife. When the friends of the deceased had attempted to intervene, the applicant had allegedly threatened them with the knife and stabbed the deceased on the left thigh, after which the accused persons had fled from the spot. The injured was taken to the hospital by his friends, where he succumbed to his injuries. During investigation, the present applicant was arrested on 19.07.2018 and the weapon of offence as well as the clothes worn by him at the time of the incident were allegedly recovered at his instance. Co-accused Amar @ Kanha and Rahul Gupta @ Tyagi were subsequently arrested. After completion of investigation, charge-sheet was filed before the competent court.

3. The learned counsel appearing for the applicant submits that the applicant has been in judicial custody for about six years and has been



falsely implicated in the present case. It is contended that all the material prosecution witnesses, including the complainant as well as the witnesses to the alleged recovery, have turned hostile before the learned Trial Court and, therefore, there is no testimony on record supporting the prosecution case. Thus, it is argued that the bail application be allowed.

4. The learned APP for the State, on the other hand, while conceding that the material prosecution witnesses have turned hostile, submits that the weapon of offence was recovered at the instance of the applicant and the blood-stained clothes allegedly worn by him at the time of the incident were also seized during the course of investigation. Thus, it is argued that the bail application be dismissed.

5. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material available on record.

6. In the present case, the allegations against the applicant are that he, along with his associates, had assaulted the deceased Vishal with a knife in a park at Karol Bagh, Delhi, which resulted in the death of the victim.

7. However, during the course of arguments, the learned APP for the State has fairly conceded that all the public witnesses, including the complainant, have turned hostile and have not supported the prosecution case when they were examined before the learned Trial Court.

8. It is also pertinent to note that out of 38 witnesses, only 25 witnesses have been examined so far and the trial is likely to take some time to conclude. The applicant has remained in judicial custody for about six years. Moreover, he was earlier granted interim bail which he had not misused.

9. Considering the overall facts and circumstances of the case,



particularly the period of judicial custody and the fact that none of the material prosecution witnesses have supported the prosecution case, this Court is inclined to grant regular bail to the applicant on his furnishing a personal bond in the sum of ₹25,000 with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned, and subject to the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if he has a passport, he shall surrender the same to the concerned trial court.
- ii) The applicant shall share his contact details (mobile numbers and residential address) with the IO/SHO and the Trial Court; and in case of any change in the said details, the applicant shall promptly inform the same to the concerned Court and the concerned IO/SHO.
- iii) The applicant shall appear before the Trial Court on every date of hearing unless exempted;
- iv) The applicant shall not indulge in any criminal activity;
- v) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.

10. Accordingly, the present bail application stands allowed and is disposed of.

11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.



12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 11, 2026/d
T.D.