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

+ **BAIL APPLN. 1456/2026**

GULAM ALI

.....Petitioner

Through: Mr. R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sikander, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvair Singh Chauhan, APP.
Insp. Kuldeep Kumar, PS-Sarai
Rohilla, Railway Station.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

05.05.2026

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1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks regular bail in connection with FIR No. 1/2021, registered at Police Station Sarai Rohilla, for offences punishable under Section 302/201 of the Indian Penal Code, 1860 ["IPC"].

2. I have heard Mr. R.H.A. Sikander, learned counsel for the petitioner, and Mr. Yudhvair Singh Chauhan, learned Additional Public Prosecutor for the State. Mr. Chauhan has placed a status report on record.

3. Pursuant to order dated 17.04.2026, Mr. Chauhan submits that the family of the deceased has been informed of the pendency of the present petition. A copy of notice dated 18.04.2026, addressed to the wife of the deceased, has been placed on record. The Investigating Officer ["IO"] has informed the Court that he has received a message from the wife of the deceased stating that she is not in a position to attend the proceedings



either in person or by video conference.

4. The facts, as emerging from the status report, are as follows:

- A. The FIR was registered on 09.02.2021, on the basis of telephonic information with regard to discovery of a dead body lying near the railway line adjacent to Kishanganj Railway Station. The body was in a semi-decomposed state in a plastic bag.
- B. Inspection of proximate CCTV footage showed that three persons were seen on 07.02.2021 pulling a cart carrying a plastic bag towards the spot. They were identified as Sher Khan, Panchu and Anil Hapurja, who are all accused persons.
- C. It was further discovered that the deceased was later identified as Ajay Kashyap, in respect of whom a missing report had also been registered on 08.02.2021.
- D. The post-mortem was conducted which certified the cause of death as *“Asphyxia as a result of the combined effect of antemortem smothering and ligature strangulation”*.
- E. Co-accused Sher Khan was arrested on 17.02.2021. In his disclosure statement, he identified the present petitioner as one of the three persons, alongwith Md. Ali and Panchu, who strangled the deceased in a jhuggi, identified as Nanak’s jhuggi. The said jhuggi was inspected by the FSL team, but no incriminating material was recovered. Sher Khan also stated that the body was dumped near Kishanganj Railway Station by himself, Panchu and Anil Jatav, on the directions of Md. Ali.
- F. The petitioner, Panchu and Md. Ali were all arrested thereafter.
- G. It is further alleged that Md. Ali had a financial dispute with the



deceased arising out of gambling, and that the present petitioner was one of the individuals with whom Md. Ali hatched a conspiracy to murder the deceased. It is further alleged that Md. Ali handed over the belongings of the deceased, including the deceased's motorcycle to the petitioner, with directions to dispose of the same. The *chassis* of the motorcycle was recovered from a river in Bulandshahr District, Uttar Pradesh, at the instance of the petitioner.

H. The other material sought to link the petitioner with the offence under Section 302 IPC consists of CCTV footage, which shows the petitioner walking towards Nanak's jhuggi on 07.02.2021, followed by Md. Ali and the deceased, just 45 seconds later. Md. Ali is thereafter seen returning alone.

5. Mr. Sikander, in support of the applications submits as follows:

A. The only material against the petitioner in the present case is based upon the disclosure statement of a co-accused, without any corroborative material to link the petitioner for the offence under Section 302 of IPC.

B. The CCTV footage relied upon by the prosecution only shows the petitioner on a public street. He submits that the petitioner is not in the company of the co-accused or the deceased, although it is alleged that they followed 45 seconds later. Even if the petitioner was walking in the direction of Nanak's jhuggi, identifying it as his destination, is also speculative.

C. With regard to the recovery of the motorcycle *chassis*, Mr. Sikander submits that the recovery was not effected in the presence



of any public witness, and in any event, it is the case of the prosecution that the belongings of the deceased were handed over to the petitioner by Md. Ali. The recovery therefore does not assist the prosecution in making out the offence under Section 302 of IPC.

D. The petitioner has already been in custody for a period of over five years and two months. 21 out of 37 witnesses, including all material public witnesses have already been examined. With 16 witnesses still to be examined, an early conclusion of the trial is unlikely.

E. Mr. Sikander also claims parity with the case of two co-accused, who have been granted bail, namely Sher Khan and Anil Jatav. He submits that as per the prosecution, both the co-accused were seen in the CCTV footage transporting the dead body of the deceased, and thus have a graver role than the petitioner.

6. Mr. Chauhan, on the other hand, opposes the bail application, and submits that the material on record is sufficient to link the petitioner to the offence of murder. The CCTV footage shows him walking in the direction of the location of the incident, and the recovery of the motorcycle *chassis* at his instance establishes his involvement in the crime.

7. Having heard learned counsel for the parties, I am of the view that this is an appropriate case for grant of bail to the petitioner. The petitioner has already been incarcerated for a period of five years and two months. Although all material witnesses have been examined, 16 witnesses remain to be examined, which makes expeditious conclusion of the proceedings



improbable.

8. The material against the petitioner comprises of the CCTV footage, and the factum of recovery of motorcycle *chassis* at his instance, in addition to the disclosure statement of co-accused Sher Khan referred to above. It is undisputed that the CCTV footage is of a public street with a number of people present. Although the petitioner was allegedly seen walking in the direction of Nanak's jhuggi, he was not in the company of any of the co-accused or the deceased. I am also informed that Nanak's jhuggi is also located in a cluster of jhuggis, and the exact destination of the petitioner is also, at this stage, a matter for trial.

9. As far as recovery of the motorcycle is concerned, at this stage, suffice it to note that the prosecution case itself is that the belongings of the deceased were given to the petitioner by co-accused Md. Ali.

10. It is also noted that two co-accused – Sher Khan and Anil Jatav, have already been granted bail. The prosecution case against them is based on the CCTV footage, which shows them transporting the dead body to the location near Kishanganj Railway Station, where it was dumped. Although the prosecution case ascribes to the petitioner, an active role in the strangulation of the deceased, this is based only on the disclosure statement of Sher Khan, and remains to be established at trial.

11. Mr. Chauhan lastly points out that the petitioner is not a resident of Delhi. However, Mr. Sikander states, upon instructions from Mr. Zameer Abbas, brother of the petitioner, who is present in Court, that the petitioner will reside at the address – *P-56, Gali No. 17, Brahmpuri, North East, Delhi*, with his brother and other members of his family.

12. For the aforesaid reasons, it is directed that the petitioner will be



released on regular bail in connection with FIR No. 1/2021, registered at Police Station Sarai Rohilla, for offences punishable under Section 302/201 of IPC, subject to furnishing a personal bond of Rs.25,000/-, with one surety in the like amount to the satisfaction of Trial Court/Duty Magistrate, and subject also to the following conditions:

- A. The petitioner shall appear before the Trial Court on each and every date of hearing;
- B. The petitioner shall remain resident in the NCT of Delhi;
- C. The petitioner shall reside at the address mentioned in paragraph 11 hereinabove, and will give prior intimation of any change in the address to the IO/ Station House Officer [“SHO”], and also file an affidavit before the Trial Court;
- D. The petitioner shall provide his mobile number to the concerned IO/SHO, which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;
- E. The petitioner shall report to the jurisdictional police station at his place of residence once a week, on every Tuesday at 04:00 PM, and will be released within two hours after completion of formalities.
- F. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- G. The petitioner shall not commit any offence during the period of his release.



13. The bail application is disposed of in terms of the above.
14. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.
15. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

MAY 5, 2026
'Bhupi'/AD/