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

+ **BAIL APPLN. 4889/2025**

MOHD AYAN

.....Petitioner

Through: Mr. Narender Kumar, Mr. Manish Shukla, Mr. Prithvi G. Naiyer & Mr. Sameer Akram, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

04.02.2026

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing No. 673/2023, registered at Police Station Sangam Vihar, Delhi for the commission of offence punishable under Sections 302/147/148/149/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the facts of the present case are that an information of admission of an injured in the hospital was recorded *vide* DD No. 156A. As per the information one person namely, Dilshad with the alleged history of physical assault with stab injury was admitted in critical condition. On the said information, FIR was registered for the commission of offence punishable under Section 307/34 IPC. The injured had expired and accordingly, Section 302 was invoked. As per the case of the prosecution, a group of 10-15 boys had attacked the injured and had beaten him and caused injuries using a knife. The incident was captured in the CCTV footage and



all the suspects were identified. Some of the suspects were CCLs and a charge-sheet was filed against the accused persons namely Zaheer and Ayan.

3. The learned counsel appearing on behalf of the applicant/accused argues that the applicant has been in judicial custody since 07.04.2024 and that all material prosecution witnesses have already been examined. It is contended that the stabbing injury to Dilshad was inflicted by co-accused CCL “V”, and the applicant had no prior knowledge that the said co-accused was in possession of a knife. At best, the prosecution case merely indicates the applicant’s presence at the spot and his involvement in a physical altercation. It is further argued that the co-accused, namely Zaheer, has already been granted bail by the Hon’ble Delhi High Court. The applicant is stated to have clean antecedents, and in the given circumstances, no useful purpose would be served by keeping him in continued custody. Hence, it is prayed that the applicant/accused be released on regular bail.

4. On the other hand, the learned APP for the State strongly opposed the bail application, submitting that the applicant is facing trial for the grave offence of murder. It is further argued that the CCTV footage clearly shows the applicant’s presence and active role in the incident, and he has been identified by the sister of the deceased. As per the prosecution case, the applicant, along with others, restrained and assaulted Dilshad, following which the CCL “V” inflicted fatal stab injuries while the associates continued the assault. In view of the seriousness of the allegations and the role attributed to the applicant, it is prayed that the applicant/accused not be enlarged on bail.

5. This Court has **heard** the arguments addressed by the learned counsel for the applicant and learned APP for the State and has perused the material on record.



6. This Court, upon examining the material on record, finds that the role attributed to the present applicant is only that he was present alongwith co-accused/CCLs at the time of the incident and was involved in beating the victim. The stab injuries were allegedly caused by CCL "V". As per the status report, the weapon of offence was recovered from CCL "V".

7. It is also not in dispute that all material prosecution witnesses have already been examined and the remaining witnesses are either formal or police witnesses. In such circumstances, the possibility of the applicant influencing witnesses or tampering with evidence is substantially reduced. Moreover, out of 48 prosecution witnesses, only 26 have been examined so far, and the trial is unlikely to conclude in the near future.

8. This Court also takes note of the fact that the applicant/accused has remained in judicial custody since 07.04.2024. The co-accused who are CCL have already been released on bail.

9. Considering the overall facts and circumstances of the case, including the period of custody already undergone and the role of the present applicant/accused, this Court is *inclined to grant regular bail* to the applicant, on his furnishing a personal bond in the sum of ₹10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court / Successor Court / Link Court / Duty Judge concerned, on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and concerned I.O./SHO.



- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
 - iv) 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, along with pending application, stands 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

FEBRUARY 04, 2026/jk
GJ/R