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

+ **BAIL APPLN. 4978/2025**

AJIT @ MOTA

.....Petitioner

Through: Mr. Akshay, Mr. Mohit Shokeen, Mr. Takshay, Mr. Anurag S. Tomar and Ms. Shivangi Shokeen, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

16.02.2026

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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. 6/2019, registered at Police Station K.N.K. Marg, Delhi for the commission of offences punishable under Sections 302/120B/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
2. Status Report is not on record. However, a copy of the Status Report has been handed over in the Court today.
3. Brief facts of the case are that on 04.01.2019, a PCR call *vide* DD No. 26A was received from Max Hospital, Shalimar Bagh, Delhi, informing that one Anil Maan had been brought dead. On receipt of the said information, the police reached the hospital and collected MLC No. 2950/19, wherein the deceased was declared "brought dead" with an alleged history of gunshot



injuries. It is alleged that eye-witness Jitender Maan @ Jeet stated that he, the deceased, and other associates were present in a car near ASP Building, Sector-17, Rohini, Delhi, when occupants of a white Baleno car opened fire at them, as a result of which the deceased, who was driving the vehicle, sustained gunshot injuries and was taken to the hospital where he was declared dead. On the basis of the said statement, the present case was registered.

4. During investigation, the crime team and FSL inspected the spot and seized relevant exhibits, including ammunition and vehicles allegedly used in the offence. Several co-accused persons were arrested, while Non-Bailable Warrants were issued against other absconding accused. Subsequently, information was received from PS Sampla, Jhajjar (Haryana), that the present applicant Ajit @ Mota had been arrested in another case, pursuant to which he was formally arrested in the present case on production warrants. During interrogation, the applicant is alleged to have disclosed his involvement in the incident. The weapon of offence had already been recovered by the CIA Staff, Rohtak. The applicant declined to participate in the Test Identification Parade (TIP). CCTV footage of the incident was seized and sent to FSL for examination. The charge-sheet has since been filed and the case is presently pending at the stage of prosecution evidence.

5. The learned counsel appearing for the applicant contends that the applicant is neither named in the FIR nor has any witness attributed any specific role to him in the alleged incident. The learned counsel further argues that the learned Trial Court, while rejecting his bail, did not properly appreciate the fact that the eye-witnesses PW-1 Tapan Sharma and PW-6



Jitender Mann @ Jeet, have already been examined, cross-examined, and discharged, and have failed to identify any of the accused persons. It is further contended that none of the public witnesses named the applicant in their statements recorded under Section 161 of Cr.P.C. It is argued that PW-4 Runit Mann and PW-5 Vikash Ahlawat identified the applicant after a delay of about six years, despite claiming to know him prior to the incident, and that such identification is motivated due to personal enmity with other co-accused persons. The learned counsel also submits that the alleged CCTV footage is from a distant angle, is blurred in quality, and does not permit identification of any person; moreover, PW-6 has specifically stated that no one can be identified from the said footage.

6. The learned APP appearing for the State opposes the bail application and submits that the allegations against the applicant are grave and serious, involving commission of murder in broad daylight. It is contended that PW-4 and PW-5, who are material eye-witnesses, have supported the prosecution case, have specifically identified the applicant, and have attributed to him the role of firing at the deceased. The learned APP further submits that the prosecution evidence is presently being recorded and that, considering the antecedents of the applicant and the co-accused persons, there exists a strong likelihood of the applicant influencing or threatening the prosecution witnesses. It is also pointed out that PW-4 has already been provided police protection on account of threat to his life. On these grounds, it is prayed that the bail application be dismissed.

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



8. In a nutshell, the prosecution case is that the applicant, along with other co-accused, was involved in the murder of the deceased Anil Maan by opening fire upon him in broad daylight while he was present in his car.

9. The learned counsel appearing on behalf of the applicant has contended that a perusal of the cross-examination of the prosecution witnesses would show that the deposition of PW-4, who claims to be an eye-witness, is false and unreliable. This Court, however, is of the view that at the stage of consideration of a bail application, it cannot undertake a detailed or meticulous examination of the veracity of the testimony of prosecution witnesses or evaluate the correctness of their cross-examination. This Court also notes that PW-4, who has been examined before the learned Trial Court and has identified the present applicant, has been provided with police security/PSO on account of threat to his life. This Court further notes that PW-4 has specifically deposed that the applicant Ajit @ Mota had alighted from the front left seat of the Baleno car at the time of the incident and had fired at the deceased from a distance. PW-5, another eye-witness, has also deposed on similar lines and has identified the applicant herein. Whether the testimonies of these witnesses ultimately inspire confidence or not is a matter to be adjudicated during trial.

10. This Court also notes that while rejecting the bail application, the learned Trial Court has taken note of the contentions that the applicant is associated with the Kapil Mann gang and has previous involvements, and also that one Suraj Mann, the cousin of the deceased, has also been murdered, in respect of which a separate case has been registered at Noida, Uttar Pradesh.



11. In view of the nature and gravity of the allegations, which pertain to the commission of a murder in broad daylight, this Court finds no ground to grant bail to the applicant at this stage.

12. *At the same time*, this Court takes note of the submission of the learned counsel for the applicant that the applicant has been in judicial custody since the year 2019. In this regard, the submission of the learned APP that proceedings under Section 82 of Cr.P.C. had been initiated prior to the arrest of the applicant and that co-accused Karambir, who was earlier granted interim bail, had absconded, is also taken note of. However, it cannot be ignored that the applicant has remained in custody for more than six years and that only 6 out of 38 prosecution witnesses have been examined so far.

13. Accordingly, while declining the prayer for bail, the learned Trial Court is directed to ensure that the trial proceeds expeditiously and is concluded, preferably within a period of one year from the date of receipt of this order, subject to the condition that no unnecessary adjournments are sought either by the learned counsel for any of the accused persons or by the prosecution.

14. The bail application is disposed of with above directions.

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

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 16, 2026/ns

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This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

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