

IA No. 12/2025
SC No. 294/2022
State Vs. Aamir @ Sahil
FIR No. 443/2022
PS: Bhajan Pura
U/s: 302/307/34 IPC &
Sec. 25/27 Arms Act

18.07.2025

**ORDER ON APPLICATION FOR GRANT OF BAIL
FILED BY THE APPLICANT/ACCUSED AAMIR @ SAHIL**

1. This order of mine shall dispose of an application for bail filed by this applicant/accused Aamir @ Sahil.
2. I have already heard the counsel for the applicant /accused and the Ld. Addl. Public Prosecutor for State.
3. Ld. Counsel for the applicant/accused Aamir @ Sahil submitted that this applicant/accused is a young age person and he is in judicial custody since the day of his arrest i.e. 23.06.2022 and submitted that in the present case, there is no eyewitness of the incident, notwithstanding the fact that the alleged spot of incident, is a public place nearby Jama Masjid Gali No 8 Subhash Mohalla and also submitted that the applicant /accused was not present at the relevant point of time of alleged incident at the spot as he was at his residence with his family members. Ld. Counsel for the accused further submitted that two of the main witnesses i.e. PW-10 Riyasat Ali and PW-15 Aman Khan have not fully supported the case of the prosecution and have not deposed anything incriminating against the present

applicant/accused.

4. Ld. Counsel for the applicant/accused further submitted that the applicant/accused has been falsely implicated in the present case, however, he is quite innocent and submitted that applicant/accused is not required to remain in judicial custody, as no purpose would be served in keeping the applicant/accused in judicial custody in as much as the applicant/accused is innocent and is not involved in any such incident as alleged in the present FIR and also submitted that applicant/accused is having a clear past antecedents and is not involved in any similar activity and prayed for grant of bail in the present case.

5. On the other hand, Sh. F. M. Ansari, Ld. Additional Public Prosecutor for the State has vehemently opposed the present application for bail and submitted that in the case in hand, the applicant/accused has committed the heinous offences u/s.302/307/34 IPC and Sec. 27 Arms Act alongwith the co-accused Saif Ali @ Sibbu and charges against the applicant /accused have been framed u/s.302/34 & 307/34 IPC. The case is running at the stage of prosecution evidence and many more material witnesses are yet to be examined and if the applicant /accused is released on bail at this stage, he may flee away. Possibility of hampering with the witnesses and tampering with the evidence also cannot be ruled out and prayed for dismissal of the present application, under consideration.

6. I have given thoughtful consideration to the submissions made by counsel for this applicant/accused and Ld.

Additional Public Prosecutor for State and perused the record.

7. Perusal of the record shows that charges against the applicant/accused have been framed u/s.302/34 & 307/34 IPC and the case is running at the stage of prosecution evidence. The prosecution has cited total 48 witnesses in the present case. 14 witnesses have been examined and discharged. 15th witness has been partly examined. Bare perusal of the record also shows that many more material witnesses including the eyewitnesses remain to be examined in the present case.

8. Ld. Counsel for the applicant/accused has submitted that PW-10 Riyasat Ali, who is the owner of the gym stated in his evidence that no quarrel had taken place in his gym on the alleged date of incident. Even, he did not support the case of the prosecution. However, in the considered opinion of this court, appreciation of the evidence cannot be done at this stage, it is a matter of final arguments. PW-15 has been examined in chief partly and his examination is still pending. Moreover, it cannot be said that PW-15 has totally turned hostile.

9. So, taking into consideration the nature of accusation, gravity of offence alleged to have been committed by this applicant and the fact that many more material witnesses including the eyewitnesses remain to be examined in the present case, so, the possibility of hampering with the witnesses and tampering with the prosecution case cannot be ruled out, if the applicant/accused is released on bail, at this stage, this court finds that no ground is made out to grant bail to this applicant/accused.

10. Therefore, the application for grant of bail filed on behalf of the applicant/accused Aamir @ Sahil stands **dismissed**.

11. Copy of this order be given dasti to the parties.

12. Attested copy of this order be also sent to the Superintendent of Central Jail concerned for supplying the same to this applicant/accused.

(PUNEET PAHWA)
Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/18.07.2025