

IN THE COURT OF MS. SURABHI SHARMA VATS,
ASJ-04, SHAHDARA, KARKARDOOMA COURTS : DELHI.

SC No. 99/2023, IA No. 09/2025

STATE VS. Sameer @ Azhar

FIR NO. 753/2022

PS Welcome

U/s 302/34/120-B/212/201 IPC & 25/27 Arms Act

08.04.2025

File is taken up on an application moved under Section 483 of BNSS seeking regular bail moved on behalf of applicant/accused namely Sameer @ Azhar.

Present: Sh. S.K. Dubey, Ld. Addl. PP for State.
Sh. Vishal Sharma, Ld. Counsel for applicant/
accused.
IO/Insp. Ranbir Singh in person.

Arguments heard on bail application heard.

1. Ld. Counsel for the applicant/ accused argued that the applicant/ accused has been falsely implicated in the present case; that the applicant/accused was arrested on the basis of disclosure statement of the co-accused; that the applicant/accused is not involved in any alleged offence. It is further argued that as per the case of Prosecution, co-accused Danish and Aman have provided the pistol to the applicant/accused which was used in the commission of crime, but it is pertinent to mention here that at that time, applicant/accused was in judicial custody and when applicant/accused was granted bail, the co-accused Danish and Aman had already been sent to jail, therefore, it is impossible that they had given a pistol or that applicant/accused has conspired with the co-accused persons to commit the offence in question.

2. Ld. Counsel for the accused/ applicant further submitted that applicant accused is in JC for more than two years and three months; that no purpose would be served by keeping him

in JC; that applicant/accused may be released on bail and applicant/accused is ready to abide by any condition/conditions, which this court may impose.

3. Per-contra, Ld. PP for the State has strongly opposed the bail application while submitting that the allegations and offences against the accused/ applicant are grave in nature; that as per the case of Prosecution, on 01.12.2022, at about 11.30 pm, the complainant Md. Faisal was going on his Scooty bearing No. DL 5SCG 7796 to purchase medicine for his mother; that at 11:35 pm, when he reached M R Medicos, near Lakdi Market, he heard a noise of gun shot; that the said shop was hardly 100-150 meters away from his house; he immediately rushed towards the the place of gun shot which was towards his house, he saw that a boy namely Kamran (co-accused), who used to live at quite a distance from his house was carrying a pistol in his hand, he pointed the said pistol towards the complainant; that a boy namely Saifu, who also used to live near the house of the complainant was also there with Kamran and he was also having a pistol in his hand.

Thereafter, due to fear, the complainant turned his scooty on the other side of the *gali* and after reaching some distance, he again came back to the *gali* and saw his brother Nabeel in a pool of blood; that there were many people gathered at the spot including Arshan, Faizan and Mohd. Shavez; he picked up his brother Nabeel who told him that Kamran and Saifu had fired gunshots upon him; that his father also came at the spot and they both took the victim Nabeel to JPC Hospital where the doctors declared victim Nabeel as “brought dead”. It is further alleged by the complainant that about one year back, Kamran and Saifu who were both drug addicts had a fight with this brother Nabeel and

since then, they had a grudge against his brother and therefore, they both had killed his brother.

4. Ld. Addl. PP for the State has further submitted that reply to this bail application has been filed by the IO and as per the reply, an information vide DD No. 3A dated 02.12.2022 was received in PS Welcome from JPC Hospital that one person Nabeel who was brought by his brother Faisal, due to gun shot injury, has been declared brought dead by doctor; that statement of Faisal, brother of the deceased was recorded and present case FIR was registered; that as per the statement of complainant, Mohd. Kasim and Kamran Khan are the accused persons who committed murder of deceased Nabeel, who are the neighbours of the deceased/complainant.

It is further stated that on 05.12.2022, an information was received from Special Cell/NDR that they had arrested accused persons Mohd. Kashim and Kamran Khan with illegal weapons and a case FIR No. 360/22 was registered in this regard at PS Special Cell; that both these accused persons stated in their disclosure statement that they have committed murder of Nabeel by using fire arms in the mid night of 1-1.12.2022; that the deceased Nabeel was the member of Azim Gang and both these accused are the member of Anas Gang; that both Azim and Anas are running in jail in murder cases; that they used to operate Gangs from jail with the help of their gang members.

5. Ld. Addl. PP has further stated that during interrogation from the accused persons, it came to notice that Gangster Danish Tiggi, Aman and Anas who were lodged in Mandoli Jail and are also associates of Hasim Baba Gang had made a Whatsapp video call to co-accused Kasim in the night of

25.10.2022 and directed him and Kamran to murder Nabeel; they again made a conference call on 29.11.2022, with Sameer @ Azhar (applicant/accused) and accused Mohd Kasim and planned to murder deceased Nabeel, who was associated with Azim Gang; thereafter, accused/ applicant Sameer @ Azhar provided the arms and ammunition and other facilities to the accused persons and in the intervening night of 01.12.2022 to 02.12.2022, accused persons namely Mohd. Kasim @ Saifu and Kamran Khan committed murder of Nabeel; that after commission of offence, Sameer @ Azhar (applicant/accused) also provided the shelter to these accused persons; that accused/applicant Sameer @ Azhar is 'BC' of PS Seelampur.

6. Ld. Addl. PP for the State has further stated that as per the directions of accused Danish Tiggi, Aman and Anas, accused/applicant Sameer @ Azhar contacted with SI Sunder Gautam, Special Cell/ NDR and planned to surrender before the said police personnel; that after that, applicant/ accused surrendered before the said police personnel on 04.12.2022 and applicant/ accused along with SI Sunder Gautam planned that some other arms and ammunition would be produced rather than the original one which were used in the commission of offence i.e. murder of deceased Nabeel; that one pistol and one country made pistol were recovered by Special Cell Officials.

It is further stated that during the further investigation, Insp. Ranbir Singh recovered two original pistols and one mobile phone from the place where applicant/accused provided shelter to Mohd. Kasim @ Saifu and Kamran Khan after murdering the deceased; FSL analysis of the guns reveal that they were the same guns which were used in the commission of offence in question; that mobile phone of the accused Mohd. Kasim was also recovered

and as per the analysis of this phone, it came to light that there is recording of video call among the accused persons Danish Tiggi, Aman and accused Kasim; that accused Danish Tiggi and Aman and Anas were running in Jail in another murder case since 2019 and were operating their Gang from jail by using mobile phones inside the Jail. It came to light that associate of Azim Gang had injured the accused Danish Tiggi and other member of their Gang in jail with blade, hence, the accused persons planned the murder of Nabeel, since he was the active member of Azim Gang. It was disclosed that after the arrest of accused/ applicant Sameer @ Azhar, accused persons have destroyed the mobile phone used for making calls.

7. Ld. Addl. PP for the State has further argued that applicant/accused is very much involved in the conspiracy and planning of the murder of the deceased Nabeel which would be proved during the course of trial; that the accused/applicant was in continuous touch with other accused persons through calls and otherwise; that the FSL analysis of the weapons recovered from the shelter/place of hiding allegedly provided by the accused/applicant Sameer @ Azhar reveals that they were the same weapons which were used in the commission of offence in question. It is further argued that the applicant/accused is a habitual offender involved in multiple cases. Further, applicant/ accused is an active member of Hasim Baba Gang and there is every apprehension that accused/ applicant if enlarged on bail, will threaten the witnesses or may flee away from trial.

8. This Court has heard the arguments on this application and has also perused the available record.

9. As per the case of prosecution, the accused persons including applicant/accused Sameer @ Azhar hatched a criminal conspiracy to murder the victim Nabeel and then in execution of their conspiracy, accused Kamran and Saifu @ Mohd. Kasim murdered the victim by shooting him dead. The allegations against the accused/applicant are quite serious and grave in nature.

It is stated that accused/applicant was in continuous touch with the other accused persons through Whatsapp calls and otherwise. It is further stated that the applicant/accused not only provided the arms and ammunition to the co-accused Mohd. Kasim @ Saifu and Kamran Khan who murdered the victim Nabeel as per the conspiracy hatched by all the accused persons, but he also provided them shelter to them after the murder of deceased Nabeel as per their pre-meditated plan. It is also stated that the FSL analysis of the weapons recovered from the shelter/place of hiding allegedly provided by the accused/applicant Sameer @ Azhar reveals that they were the same weapons which were used in the commission of offence in question.

The offence alleged is a heinous offence of murder which is against the public at large. Accused/applicant Sameer @ Azhar is stated to be involved in multiple cases. Further, applicant/accused is stated to be an active member of Hasim Baba Gang.

Trial of the matter is at the initial stage. It is well settled principle of law that at the stage of determining the question of bail, detailed/ minute evaluation of the facts and appreciation of facts on merits, is not to be done. Possibility of applicant/accused again indulging in the crimes or threatening or

inducing the witnesses of the present case cannot be ruled out, at this stage.

Considering the enormity of the offences alleged, severity of the punishment which the alleged offence entails coupled with the above-stated reasons, this Court does not find it a fit case to grant bail to the accused/ applicant Sameer @ Azhar, at this stage. Therefore, the present bail application stands, **dismissed**.

10. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*

11. In compliance of directions of Hon'ble Supreme Court of India in case titled '*In Re: Policy Strategy for Grant of Bail*', Writ Petition (Crl.) No. 04/2021 dated 31.01.2023, copy of this order be sent to applicant through concerned Jail Superintendent for information.

12. Copy of this order be also given dasti to Ld. Counsel for applicant/accused and IO as per rules.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/08.04.2025