

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

SC No. 120/2023, IA No. 10/2026

STATE VS. Almas Khan @ Salman @ Allu

FIR NO. 715/2022

PS Jafrabad

U/s 302/201/120B/34 IPC

17.02.2026

**This is an application U/s 483 BNSS for grant of regular bail moved on behalf of applicant/ accused Almas Khan @ Salman @ Allu.**

Present: Sh. S.K. Dubey, Ld. Addl. PP for State.  
Sh. Amjad Khan, Ld. Counsel for the applicant/  
accused.

1. It is submitted by Ld. Counsel for the applicant/ accused that this is the first bail application of the applicant/ accused Almas Khan @ Salman @ Allu and no other application seeking bail of the applicant/accused is pending in any other Court; that applicant/accused has been falsely implicated in the present case; that at the time of the alleged incident, the applicant/ accused Almas Khan @ Salman @ Allu was in JC in case FIR No. 436/2022, PS Jafrabad; that the applicant/accused was arrested on the basis of disclosure statement of the co-accused.

2. Ld. Counsel for the applicant/accused has further submitted that chargesheet in the present case has already been filed and the matter is at the stage of Prosecution Evidence; that nothing has emerged upon record against the applicant/accused. Further, co-accused Asad @ Totla has been enlarged on bail by the Hon'ble High Court of Delhi and co-accused namely Harish @ Aarish and Abid @ Sonu have been enlarged on bail by this

Hon'ble Court, therefore, the applicant/accused also deserves to be released on the ground of parity. The applicant/accused is ready to abide by all the terms and conditions, if imposed and is also ready to furnish reliable surety to the entire satisfaction of this Hon'ble Court.

3. Per-contra, Ld. PP for the State has strongly opposed this bail application while submitting that accused/ applicant is a habitual offender involved in 'n' number of criminal cases including this murder case; that the allegations and offences against the accused/ applicant are quite grave in nature; that as per the case of the Prosecution, on the intervening night of 19/20.11.2022, a PCR call was received vide DD No. 104B stating "*Pooja public school, Mata Wali Gali, Ghonda, Caller bol raha hai ki ek ladka injured halat me pada hai*"; that when SI Manish reached at the spot, he found that one injured person was lying on the street with blood at the scene; the injured was shifted to JPC Hospital where the doctor declared him "Brought dead". Later, the deceased was identified by Beat Constable Kapil as Mohd. Amir @ Tori, son of Sabir, resident of H. NO. C-213, Gali NO. 9/5, Kaniya Masjid, Chauhan Bangar, Delhi and present case FIR was registered.

On the basis of the investigation, accused persons were arrested and it came to light that the applicant/accused Almas Khan @ Salman @ Allu, who was incarcerated in Jail, alongwith other co-accused persons, had conspired the murder of the victim/deceased Amir @ Tori.

4. Ld. Addl. PP has further submitted that murder of the victim/deceased has been committed in a pre-meditated manner in order take revenge from victim/deceased Amir @ Tori, as the applicant/accused Almas @ Salman @ Allu had apprehension that the victim/deceased Amir @ Tori had secretly informed the Police regarding him, due to which he was apprehended by the Police and his leg got injured. Therefore, a criminal conspiracy was hatched by applicant/accused Almas @ Salman @ Allu along with co-accused persons to kill deceased/victim Amir @ Tori. Accordingly, in execution of their plan and conspiracy hatched by the accused, accused Amaan and Atif brutally murdered the victim Amir @ Tori in a pre-meditated manner.

5. It is further stated by Ld. Addl. PP for the State that applicant/accused Almas Khan @ Salman @ Allu cannot be treated at par with the co-accused Asad @ Totla, who has been enlarged on bail by the Hon'ble High Court of Delhi and co-accused namely Harish @ Aarish and Abid @ Sonu, who have been enlarged on bail by this Court since, the applicant/accused is the main conspirator of the present case and the other co-accused persons acted upon the conspiracy hatched by him; that the applicant/accused Almas @ Salman @ Allu was in continuous touch with the other co-accused persons through a phone in the Jail and three mobile phones and two SIM cards have also been recovered from the possession of the applicant/accused Almas Khan @ Salman @ Allu by the Jail authorities; that CDR details reveals that applicant/ accused and other co-accused persons were in continuous touch with each

other and even on the day of incident, they were in contact with each other.

6. Ld. Addl. PP for the State argued that applicant/accused is a habitual offender, involved in multiple other criminal cases; that the matter is at the stage of Prosecution Evidence, therefore, there is every possible likelihood that the applicant/accused may try to influence or intimidate the witnesses and may threaten them. Moreover, the applicant/accused being a habitual offender can again indulge in some other criminal activity and as such, he is a threat to the society at large and therefore, applicant/accused may not be enlarged on bail.

7. Arguments on this application heard. Record perused.

8. This Court is mindful of the rule of law that liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. Thus, the fundamental principle is of Bail and not Jail. However, the liberty of an individual is not absolute and the society by its collective wisdom through the process established by law can withdraw that liberty if that individual becomes a potential danger to the societal order. Therefore, the discretion granted to the courts U/s 437 and 439 Cr.P.C. (now, Sections 480 & 483 of Bhartiya Nagarik Suraksha Sanhita, 2023), needs to be exercised cautiously and carefully by balancing the Rights of the accused and interests of the society/public at large.

9. As per the case of Prosecution, the accused/ applicant Almas Khan @ Salman @ Allu alongwith other co-accused persons entered into a criminal conspiracy to kill the victim/deceased Amir @ Tori since, he had an apprehension that the victim/deceased Amir @ Tori had secretly informed the Police regarding him, due to which he was apprehended by the Police and his leg got injured and was to be amputated, and in pursuance of that criminal conspiracy, deceased/victim was brutally murdered by co-accused persons namely Amaan and Atif.

It is well settled principle of law that at the stage of determining the question of bail, minute/ detailed evaluation of the facts and appreciation of evidence on merits, is not to be done.

The applicant/accused Almas Khan @ Allu @ Salman cannot be treated at par with the co-accused persons who have been admitted on bail since, the applicant/accused Almas Khan @ Allu @ Salman allegedly is the main conspirator of the offences in question. Further, three mobile phones and two SIMs have also been allegedly recovered from the possession of the applicant/accused Almas Khan @ Salman @ Allu by the Jail authorities and it is stated that the CDR analysis reveals that applicant/ accused and other co-accused persons were in continuous touch with each other and even on the day of incident, they were in contact with each other.

The allegations against the accused/applicant are quite serious and grave in nature; trial of the matter is at initial stage, therefore, there is every possible likelihood that the

applicant/accused may try to influence the witnesses and may threaten them; the accused/ applicant is also stated to be a habitual offender, involved in other criminal cases including this murder case thus, possibility of the accused/ applicant again indulging in criminal activities or similar crimes or threatening or inducing the witnesses also cannot be ruled out at this stage.

Considering the enormity of the offences alleged, severity of the punishment which the alleged offences entails coupled with the above-stated reasons, this Court does not find it a fit case to grant bail to the accused/ applicant Almas Khan @ Salman @ Allu, 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. Application stands disposed of accordingly.

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

13. Copy of order be given dasti to Ld. Counsel for the applicant/accused and to the State as well.

(SURABHI SHARMA VATS)  
ASJ-04, Shahdara/KKD Courts,  
Delhi/17.02.2026