

SC No. 279/2023  
State Vs. Ashique @ Ashif  
**(applicant/accused Bunty)**  
FIR No. 187/2023  
P.S. Anand Vihar  
u/s 302/34 IPC.

12.08.2025

**ORDER ON THE REGULAR BAIL APPLICATION OF  
APPLICANT/ACCUSED BUNTY**

Present: Sh. Parmod Kumar, Ld. Addl. PP for State.

1. The present bail application has been filed on behalf of applicant/accused Bunty for granting regular bail to him in FIR No. 187/2023 P.S. Anand Vihar registered under Section 302/34 IPC.

The trial of the case is pending before this court at the stage of prosecution evidence. The applicant is in JC since 26.07.2023.

**Case of the prosecution:-**

2. The case of the prosecution is that on 04.06.2023, an information was received, registered vide DD No. 36 A, from P.S. Vivek Vihar at P.S. Anand Vihar that one injured of road accident, at Anand Vihar flyover, has been admitted at GTB hospital. On receipt of said DD, ASI Kailash along with HC Rajeev reached at GTB hospital and obtained the MLC of injured. Thereafter, IO reached at the place of incident and on enquiry name of injured came to be known as Shakir s/o Sabir. No eye witness was found at the spot. Thereafter, initially FIR was registered only under Section

307 IPC. During investigation, statements of father and cousin of injured were recorded. The father of the injured stated that on 04.03.2023 at about 3.00 am, one Rahisuddin informed him that some quarrel is going on between Shakir and accused persons at Anand Vihar railway station. On hearing this, injured's father along with his nephew reached at the spot and found that all five accused were beating Shakir with fists and leg blows after laying him down on the floor, Saurabh was holding his feet and Ashiq was severaly beating him with a wooden plank. Injured's father and cousin tried to save him from the clutches of all the accused persons, thereafter, they all fled away from the spot and injured was shifted to GTB hospital in an ambulance. It is further stated by the injured's father that few days prior to incident, injured informed him that earlier also, a quarrel took place between him and all the accused persons. During investigation, statement of Rahisuddin and Bona @ Baba were also recorded. Bona @ Baba stated in his statement that he is working as a taxi driver, that on 03.06.2023 at about 6.00 pm, he reached at Anand Vihar railway station in his taxi and thereafter at about 2.00 am, Shakir also came there; that on seeing Shakir, accused persons started threatening him saying आज बता उस दिन तू क्या कह रहा था आज बोल कर दिखा आज तेरा काम ही खतम कर देते हैं आज हमारी पूरी टीम है; that on this, upon intervention by other auto drivers present there, accused persons went away and started consuming liquor in the van of accused Saurabh; that after some time, injured Shakir went from the spot and all accused persons

also chased him.

3. During investigation, statement of eye witness namely Shivkant was also recorded, who stated that on 3/4.06.2023 at about 2.00 am, he noticed that all accused persons were consuming liquor in their van and on seeking Shakir, all of them started abusing and quarreling with him, however upon intervention by other auto drivers they went away and started consuming liquor again in the said van. At that time, this witness was standing near the van of the accused persons and heard that they all were planning to kill Shakir. At about 3.30 am, injured Shakir went away from the spot in his auto and all accused persons followed him; that upon getting suspicious, witness Shivkant also followed them and saw that all above accused persons were severely beating Shakir; that Shivkant tried to intervene, but all accused persons threatened him and pushed him away; that accused Javed had threatened this witness by saying तू संगम विहार का हमारा साथी है इसका साथ मत दे नहीं तो हम तुझे भी नहीं छोड़ेंगे; that thereafter upon arrival of father and cousin of injured, all accused persons fled away from the spot; that after some time of the incident, applicant/accused threatened witness Shivkant on his mobile not to tell about the incident to anybody, else he would be killed; that thereafter, even accused Saurabh threatened the witness Shivkant in the same manner; that after this, witness upon being scared of the threats extended to him, went to his native village and only returned when he came to know that accused persons have been arrested in the present case. Statement under Section

164 Cr. PC of eye witness Shiv Kant was also recorded by Ld. MM. On 08.06.2023 injured Shakir succumbed to his injuries. All the accused persons were arrested in the present case and after completion of investigation, charge-sheet u/s 302/34 IPC was filed before the concerned court.

**Arguments by Ld. Counsel as well as by Ld. Addl. PP.**

4. Ld. Counsel for applicant/accused has argued that applicant/accused has been falsely implicated in the present case; he is in JC since 26.07.2023; he has clean antecedents; eye witness Shiv Kant has not supported the case of the prosecution; other two alleged eye witnesses i.e. deceased's father and cousin, had not seen the incident but they were later on planted as eye witnesses by the IO. Thus, Ld. Counsel has prayed for grant of bail to the applicant/accused.
5. Ld. Addl. PP has opposed the present application saying that allegations against the applicant are serious in nature, public witnesses specially the eye witness Nizamuddin, are still remaining to be examined. Thus, he prays to dismiss the present bail application.

**Decision:-**

6. It is settled law that at the stage of bail, the court is not required to analyze the evidence in depth as the same may influence the trial and final outcome of the case, however, the court may look into the evidence only for the purpose of ascertaining prima facie involvement of applicant in the alleged crime. In this case, the prosecution has cited three eye witnesses, out of whom only PW2 Shiv Kant has been

completely examined, on prima facie perusal of his evidence, it appears that he has not supported the case of the prosecution, *however*, the other prosecution witness PW3 Shabir Ahmad appears to have supported the prosecution case and the third eye witness Nizamuddin has been partly examined. Other public witnesses are also remaining to be examined, hence, the possibility cannot be ruled out that if applicant is admitted on bail, he may try to influence the witnesses. Allegations against the applicant are serious in nature. From the CDR/location report, it appears that applicant was present near the spot on the date and time of the incident. In the totality of facts and circumstances, at this stage, no ground for bail is made out. Hence, the application is hereby dismissed.

**(Charu Aggarwal)**  
ASJ-02/E-Court/Shahdara  
KKD/Delhi/12.08.2025