

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

24.03.2026

**ORDER ON THE REGULAR BAIL APPLICATION OF
APPLICANT/ACCUSED ASHIQUE @ ASHIF.**

Present: Sh. Parmod Kumar, Ld. Addl. PP for State.
Sh. Nadeem Khan, Ld. Counsel for applicant/accused.

1. Present is the 2nd application moved on behalf of applicant/accused **Ashique@ Ashif** seeking regular bail. Reply already filed. Copy supplied.

The trial of the case is pending before this court at the stage of PE. The applicant is in JC since 24.07.2023.

2. Arguments heard.
3. Ld. Counsel for applicant has argued that applicant has been falsely implicated in this case; he is in JC since 24.07.2023; chargesheet has already been filed in the court; all the public witnesses have been examined and only formal witnesses are remaininig to be examined, therefore, there is no possibility to influence the witnesses. Ld. Counsel has also pointed out several contradictions in the testimony of public witnesses- it was argued that PW3 Sabir Ahmad and PW4 Nizamuddin have been examined as eye witnesses,

however, from the perusal of their testimonies, presence of these PWs at the spot is doubtful. It was also argued that in the FIR it has been mentioned that initially matter was reported to be a road accident case but later on applicant/accused alongwith other co-accused persons were falsely implicated by the IO in this case. He also argued that initially PW Shivkant was also one of the suspect but later on IO projected him as an eye witness but during his deposition, he did not support the prosecution case and disclosed the truth before the court that no such incident has taken place. It is also argued that nothing was recovered from the possession of applicant/accused.

4. Per contra, Ld. Addl. PP has submitted that there are serious allegations against applicant/accused; after his arrest, his blood stained clothes were recovered from his possession and as per FSL result, blood on his clothes has matched with the blood of deceased; all the eye witnesses have supported the prosecution case during their deposition. Thus, he prayed that present application be dismissed.

5. The case of the prosecution is that on 04.06.2023 vide DD No. 36A, information was received from P.S. Vivek Vihar at P.S. Anand Vihar that an injured in a road accident at Anand Vihar Fly over was admitted in GTB hospital. On receipt of said DD, police officials of P.S. Anand Vihar reached at hospital and obtained MLC of injured. On enquiry, name of injured was informed to be Sakir s/o Sabir and no eye witness was found at the spot. Initially FIR was registered under Section 307 IPC.

During investigation, statements of father and cousin of injured were recorded who stated that on 04.06.2023 at about 3.00 am, father of deceased received information from Rahisuddin that his son (Sakir) had quarrel at Anand Vihar Railway Station; on receiving this information he (father of deceased) along with his nephew Nizamuddin reached at the spot and found that applicant/accused along with co-accused Saurabh, Banti, Sunny and Javed were beating his son with fists & legs blows and wooden plank after laying down him on the ground. Father of deceased and his cousin tried to save him but they failed and in the meantime, all accused persons ran away from the spot and injured was shifted to GTB hospital in Ambulance. On 05.06.2023 accused Saurabh was arrested and applicant was arrested on 24.07.2023. IO recorded statement of all witnesses and after completion of all formalities of investigation, chargesheet was filed before the court and presently the matter is at the stage of PE.

6. Arguments considered and record perused.
7. It is a settled principle of law that, at the stage of considering bail, the court is not required to undertake a detailed analysis of the evidence, as such an exercise may prejudice the trial and its final outcome. The court may, however, examine the material on record only to ascertain the prima facie involvement of the applicant in the alleged offence. At this stage, the court is not expected to conduct a mini-trial or weigh contradictions in witness testimonies, as highlighted by learned counsel.

8. On a prima facie consideration of the depositions of PW3 Sabir and PW4 Nizamuddin, it appears that they have supported the prosecution's case. Furthermore, during investigation, bloodstains of the deceased were found on the clothes of the applicant, which matched upon scientific examination.

9. In view of the totality of facts and circumstances, this Court finds no ground to grant bail to the applicant at this stage. Accordingly, the present bail application stands dismissed.

Nothing stated herein above shall tantamount to the expression of opinion on merits of the case.

Copy of this order be sent to Jail Suptd. concerned for information to applicant.

(Charu Aggarwal)
ASJ-02/E-Court/Shahdara
KKD/Delhi/24.03.2026

COVERSHEET

It is informed to the applicant that he can avail the services of legal aid from Delhi State Legal Service Authority Office at Karkardooma Court- Room No. 35 & 36, Districts Shahdara, Ground Floor, Karkardooma Courts, Delhi.

Contact Number of Ms. Suman, Ld. Legal Aid Defence counsel (attached to this court): 9810642134.

(Charu Aggarwal)
ASJ-02/E-Court/Shahdara
KKD/Delhi/24.03.2026