

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

08.04.2026

Present: Sh. Parmod Kumar, Ld. Addl. PP for State.
None for applicant/accused **Banti**.

1. Present is the 3rd bail application moved on behalf of applicant/accused **Banti** seeking regular bail in FIR No. 187/2023 u/s 302/34 IPC P.S. Anand Vihar. Reply already filed by IO. Copy supplied.

The trial of the case is pending before this court at the stage of PE. The applicant is in JC since 25.07.2023.

2. Arguments heard.
3. 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, Ashique @ Ashif, 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 25.07.2023. IO recorded statement of all witnesses and after completion of investigation, chargesheet was filed before the court and presently the matter is at the stage of PE.

4. Ld. Counsel for applicant has argued that applicant has been falsely implicated in this case; he is in JC since 25.07.2023; chargesheet has already been filed in the court; all the public witnesses have been examined and only formal witnesses are remaining 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. He has argued that both these witnesses are planted by the IO to solve their blind case. It was also argued that in the FIR it has been mentioned that initially matter was of road accident 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 suspects but thereafter, IO cited him as an eye witness, who during his deposition, did not support the prosecution case and disclosed the true facts before the court that the alleged incident had not taken place. It is also argued that nothing was recovered from the possession of applicant/accused.

5. Per contra, Ld. Addl. PP has submitted that there are serious allegations against applicant/accused; all the eye witnesses have supported the prosecution case during their deposition. Thus, he prayed that present application be dismissed.
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. 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/08.04.2026

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/08.04.2026