

CNR No. - DLWT010001492026
SC No. 49/2026
STATE Vs. FARZANA Khatoon & Anr
U/s 103(1)/238A/61 BNS
FIR No. 515/2025
PS Nihal Vihar

24.07.2026

Order on bail application of accused- Farzana Khatoon

AND

Order on discharge application of accused- Mohd. Shakir

Case of the Prosecution :

1. On 20.07.2025 at about 4:15:37, Ct. Anil informed PS Nihal Vihar through a phone call that a person was brought dead to Sanjay Gandhi Memorial Hospital, Mangol Puri and consequently, an IO be sent to the spot. The said information was registered in the General Diary as entry no. 79A.

1.1. On 20.07.2025 ASI Arogiam was on emergency duty from 8 a.m to 8 p.m, therefore the said DD was made over to ASI Arogiam for further action thereon.

1.2. ASI Arogiam went to Sanjay Gandhi Memorial Hospital alongwith Ct. Nishant where the attending doctors provided him MLC of the deceased whose name was discovered to be Mohd. Shahid. He was also provided with, by the attending doctor, the clothes of deceased which he seized.

1.3. ASI Arogiam caused dead body of Mohd. Shahid to be preserved at the mortuary of Sanjay Gandhi Memorial Hospital. By this time, SI Ashok Singh reached the hospital and inspected the dead body. He found to be present on the dead body, stab wounds.

1.4. Thereafter, ASI Arogiam went to the crime scene and caused the crime scene to be inspected by the Crime Team. During inspection, the Crime Team delivered a knife to him. ASI Arogiam ascertained the dimensions of knife. He seized the said knife and sealed the same. At the crime scene, ASI Arogiam was met by Farzana – wife of the deceased who informed him that Mohd. Shahid had consumed poison and thereafter stabbed himself. Farzana told him that by this time she had wiped the deceased's blood from this knife and from the floor.

1.5. On 21.07.2025, postmortem examination on the dead body of Mohd. Shahid was conducted. Thereafter, the dead body was delivered to the family of deceased.

1.6. The present FIR was registered upon a written requisition to that effect made by ASI Ashok Singh Chauhan recorded as DD No. 130A at about 9.38 p.m on 22.07.2025. This requisition was made on the basis of the postmortem report. The present FIR was registered U/ss 103(1)/ 238 BNS. The cause of death opined in the postmortem report was 'hemorrhagic shock due to abdominal injury'. There were found to be present three wounds on the body of deceased- one of them was skin deep, the other muscle deep and the third had penetrated the body to the extent of perforating intestines at multiple places; this third wound was 6 cm deep. It was this third wound that was opined to be the cause of death.

2. After investigation, the police reported to Court by way of police – report that Farzana had poisoned the deceased- Mohd. Shahid and thereafter stabbed him to death. According to the police, Farzana had extra marital affair with accused Shakir Ansari and to continue with this affair both of them – Shakir Ansari and Farzana, decided to eliminate Mohd. Shahid and to this end on 20.07.2025 when Mohd. Shahid @ Irfan complained of headache, Farzana served him with tea wherein she dissolved 2-3 pills to cure headache and after consuming this tea, Mohd. Shahid went to sleep and when he was in deep slumber, Farzana stabbed him 2-3 times with a knife

used for cutting vegetables and after this, she raised hue & cry and consequent thereto her neighbours gathered and Mohd. Shahid was taken to hospital.

3. The persons acquainted with the circumstances of case and examined by the police during investigation are Shamin Khan, Riyaz Bano and Jafar Hussain. Shamin Khan and Riyaz Bano are Farzana's neighbour whereas Jafar Hussain is brother of deceased – Mohd. Shahid.

3.1. None of the said witnesses had seen Farzana stabbing Mohd. Shahid.

3.2. According to the record of examination of Jafar Hussain prepared by the IO, deceased Mohd. Shahid was a habitual gambler and consequently he was under heavy burden of debt due to which he and the entire family was vexed. On 20.07.2025, Jafar Hussain had visited the place of residence of Mohd. Shahid and Farzana as Farzana had called him to take the delivery of clothes on which Farzana had completed the work as ordered by client. When Jafar Hussain went to Shahid's residence, he found Shahid lying on floor and Farzana sitting besides him. Jafar Hussain exhorted Mohd. Shahid to refrain from further borrowings as his borrowings had cumulated to great proportions. Mohd. Shahid did not respond to

these pleadings - neither affirmatively nor negatively. Thereafter, Jafar Hussain left for the house of Shamim – which was at the other floor of the same building. Just as he reached Shamim's house, he heard the cries of Farzana and when in response to these cries he went upstairs, he found to be present on the abdomen of Mohd. Shahid, three stab wounds. Farzana informed Jafar Hussain that Mohd. Shahid had stabbed himself and that he had vomited too. Mohd. Jafar informed the landlord and thereafter they took Mohd. Shahid to hospital.

3.3. The above paraphrased information provided by Jafar Hussain to the police does not in any manner suggests that Farzana was the person who had stabbed Mohd. Shahid. It is recorded towards the end of this statement that he 'doubts' that Farzana had stabbed Mohd. Shahid. A 'doubt' is an opinion/inference and not a narration of witnessed fact(s). Mere 'doubt' of a witness is no reliable and moving evidence of guilt.

3.4. The only material produced with the charge-sheet on which the prosecution relies to proceed against Farzana is her disclosure statement. The essence of this disclosure statement has been discussed in para 2, above. It is therefore, not repeated. It is settled state of law that confession made to police is no admissible piece of evidence. It is noteworthy that in the disclosure statement of

Farzana on which the prosecution primarily relies upon, there is not even an allusion to the fact that Jafar Hussain was present in the house of deceased that day upon being called there by Farzana. Thus, even if the scope of 'admissible evidence' is transgressed and disclosure of Farzana is considered admissible, her disclosure is at fundamental variance with the statement of admissible witness – Jafar Hussain in as much as the fact of presence of Jafar Hussain at the house of deceased immediately before and after the commission of alleged offence is absent from the disclosure of Farzana, as recorded by police.

3.5. According to the statement of Jafar Hussain, his presence before and after the deceased was stabbed was so immediate that it can conveniently be held that there was no time lapse between the event of deceased being stabbed and the event of Jafar Hussain being present before the deceased. Jafar Hussain had not stated that whether the deceased was conscious when he reached upto him or not? The injuries reported to be present on the abdomen of deceased were not such that they would have resulted in instant death of the deceased. The police has presented analysis report of CCTV camera recording - the CCTV installed near the crime scene. According to this report, Jafar Hussain went out of the house at 1.41 p.m and re-entered deceased's house at about 1.48 p.m and at about 2.43 p.m Jafar Hussain alongwith Shamim and a person named –

Mullaji brought down the deceased and put him in a rickshaw. The re-entry of Jafar Hussain at 1.48 p.m is in consonance with his statement that he re-entered the house after having heard the hue & cries of Farzana. When this CCTV report is read conjointly with the statement of Jafar Hussain, it suggests the inference that since 1.48 p.m till 2.43 p.m, Jafar Hussain was with the deceased and since the injuries suffered by the deceased were not of such nature that they would have resulted in instant death of deceased, it is expected that Jafar Hussain must have inquired – though expectedly in panic, about the incident from the deceased. There is no reference of such things in the statement of Jafar Hussain despite the fact that after the stabbing of Mohd. Shahid he was with Mohd. Shahid at the crime scene for nearly about an hour i.e. from 1.48 p.m till 2.43 p.m.

3.6. According to the statement of ASI Arogiam, accused Farzana was present at the crime scene when the crime scene was being inspected by the Crime Team but the Crime Team Report records the presence of ASI Arogiam at the spot but not that of Farzana.

4. The nature of material discussed above exhibits the flaccidity of incriminating material available on record. Accused Farzana is in custody since 23.07.2025 i.e. for a year now. Her continued detention is not warranted for the purposes of trial.

Hence, her bail application is allowed. Accordingly, accused-Farzana is admitted to regular bail on his furnishing of personal bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of this Court.

5. Bail application of accused - Farzana stands disposed off accordingly.

6. None of the witnesses of facts i.e. Jafar Hussain, Shamim and Riyaz Bano have stated that accused Farzana had extra marital affair with accused Mohd. Shakir.

6.1. The only material suggestive of extra marital affair between Farzana and Mohd. Shakir being their respective confessions before the police, cannot be relied upon.

6.2. It is argued by the Ld. Addl. PP for the State that there had been numerous phone calls between Farzana and Mohd. Shakir throughout the day of incident and this communication is sufficient material to proceed against accused Mohd. Shakir.

6.2.1. What conversation took place between Mohd. Shakir and Farzana in these phone calls is not known as none of these calls is recorded. Prosecution admits that Mohd. Shakir was not present at

the crime scene and the prosecution also admits that Mohd. Shakir was not even in Delhi that day. Mere existence of phone calls between Farzana and Mohd. Shakir are not by themselves sufficient to infer that Mohd. Shakir had conspired with Farzana or that Mohd. Shakir had abetted Farzana to murder Mohd. Shahid.

6.3. Hence, the material available on record is not sufficient to proceed against accused – Mohd. Shakir.

7. Discharge application moved by accused Mohd. Shakir is allowed and he is discharged.

8. Copy of order be given dasti.

(NIPUN AWASTHI)
ASJ-08/West/THC/Delhi
24.07.2026