



SC : 462/2019
FIR No. : 210/2018
PS: Prasad Nagar
State Vs. Ashu @ Atta & Ors.

17.10.2025

ORDER:-

I.A. No.12/25:-

1. By this order I shall decide the bail application filed on behalf of Ashu @ Atta.
2. Ld. counsel for the accused submits that two co-accused are on bail. All the material witnesses have turned hostile. The Hon'ble Delhi High Court vide judgment dated 19.08.2025, whereby the bail application of the applicant was dismissed had noted that there is recovery of weapon of offence at the instance of accused and the FSL report was positive.
3. It is submitted that the witness to the recovery has also now been examined as PW14 and who was also turned hostile. It is therefore, submitted that applicant may be enlarged on bail.
4. On the other hand, Ld. Addl.PP for the State submits that bail application was dismissed by the Hon'ble Delhi High Court vide the aforesaid observations noted the recovery of the weapon of offence and the positive FSL report. It is submitted that one of the witness has turned hostile but there are other witnesses of recovery who are yet to be examined.

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5. I have heard Ld. Counsel for the accused, Ld. Addl. PP for the State and perused the record.

6. In the present case it is the case of the prosecution that vide DD no. 4 A dated 19.07.2018 information was received in the PS that blood was lying near the iron bench inside the park and the victim has been removed to Lady Harding Medical college. Statement of eye witnesses i.e. Pawan @ Honey, brother of deceased was recorded. As per his statement his brother Vishal, (since deceased) had gone for a walk after dinner at around 11:30 pm. he heard the noise of quarrel where he saw that applicant/accused is attacking his brother with knife. On the basis of his statement FIR u/s 210/2018 u/s 302/34 IPC was registered. During the course of investigation exhibits were collected and weapon of offence was recovered at the instance of applicant. After completion of investigation charge-sheet was filed.

7. Prosecution cited 7 public witnesses, undoubtedly all of them have now turned hostile including the complainant i.e. the brother and mother of deceased. However, at the instance of accused knife i.e. weapon of offence was recovered. The clothes which were worn by the applicant/accused was also seized, which were blood stained. As per the FSL report dated 04.12.2018, blood of deceased matched with the DNA of blood found on the knife and on the clothes of the applicant/accused suggesting that he had committed the crime. While dismissing

the earlier bail application on 09.06.2025 nominal roll was sought, as per which the applicant/accused is involved in case of

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similar nature the application of the accused was dismissed. The seizure memo of blood stained pant, knife and T-shirt shows that PW-14 was not the attesting witness to the said recovery, hence the fact that he has turned hostile does not in any way discredit the version of the prosecution. Hence, bail application stands dismissed.

8. Nothing herein shall tantamount to any expression or opinion of this Court on the merits of this case.

9. Copy of this order be given dasti to Ld. Counsel for applicant/accused.

10. A copy of this order be also sent to the concerned Jail Superintendent for information and necessary action.

(ANKUR JAIN-I)
ASJ-04/Central/Delhi.
17.10.2025

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