

IA No. 11/2026
SC No. 292/2026
STATE Vs. PRAMOD @ CHHOTU & ORS.
(applicant/accused Mohd. Sarwar Ali @ Sajan)
FIR No. 05/2019
PS Bindapur
U/s 302/307/323/324/34 IPC

26.02.2026

File taken up today on an application moved on behalf of accused Mohd. Sarwar Ali @ Sajan.

Present: Sh. Vijender Singh Kharb, Ld. Addl.PP for the State.
Sh. Manoj Kumar, Ld. counsel for applicant/
accused.

This is bail application filed under Section 483 BNSS on behalf of the applicant/accused Mohd. Sarwar Ali @ Sajan.

Reply has already been filed to bail application.
Copy already supplied.

Ld. Counsel for applicant/accused has submitted that accused has been falsely implicated in the present case. Only four witnesses have been examined in the present case and trial will take a considerable time. Ld. counsel has also submitted that public witnesses who have been examined so far have not supported the prosecution case. Accused herein is in JC since 05.01.2019. Ld. counsel has further submitted that accused/applicant is ready to abide by any condition imposed by this court for granting bail and, therefore, he be granted bail.

On the other hand, Ld. Addl.PP for the State has opposed the bail application by stating that two public witnesses, who are also injured, are yet to be examined in this case. Ld. Addl.PP has further submitted that accused herein is involved in

heinous offence of murder and, therefore, the present bail application be dismissed.

I have heard the arguments and have perused the record carefully.

Brief facts of the prosecution case are that on 01.01.2019 at about 8:00 pm, near General Chaudhary shop, Vishu Vihar, Uttam Nagar, Delhi, a quarrel took place between one Akash and co-accused Vishal. During the altercation, accused Vishal took out a knife and attacked Akash. Applicant/accused Sarver Ali @ Sajan instigated co-accused Vishal and co-accused Pramod @ Chhotu and thereby all accused persons assaulted the victims with knife, danda, and bricks. When the complainant Shammi intervened, co-accused Vishal also attacked him with a knife, causing injury to his chest. Co-accused Pramod @ Chhotu allegedly assaulted him with a danda. When his brother Sumit (since deceased) came forward to save him, he was also assaulted with danda and bricks, causing head injury by the accused persons. PCR was called at number 100, and the injured persons were shifted to Mata Chanan Devi Hospital, where one injured namely Sumit was declared dead.

Undoubtedly, four public witnesses have been examined though they have not supported the prosecution case. However, perusal of the record shows that still other eye-witnesses are yet to be examined by the prosecution. There is every possibility that in case the applicant/accused is released on bail, he may try to approach/ influence the said witnesses. Mere period of incarceration is not a sole ground for granting bail.

Considering the facts and circumstances of the case, the court is not inclined to grant bail to the present

applicant/accused. Hence, the application moved by accused Mohd. Sarwar Ali @ Sajan is hereby dismissed.

Application is disposed off accordingly.

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

Nothing mentioned hereinabove shall tantamount to expression of opinion on the merits of this case.

Put up on date already fixed i.e. on 13.03.2026.

(Vandana Jain)

ASJ-03 & Special Judge (Companies Act)
Dwarka Courts (SW)/ND/26.02.2026