

22.01.2026

File taken up on consideration on 7th bail application filed on behalf of accused/applicant Tushar @ Aniket.

ORDER

Present: Ms. Kamaljeet Kaur, Ld. Addl. PP for the State.
Sh. Kush Tanwar, Ld. Counsel for the
accused/applicant.
IO/Inspector Satender is present through V.C.
Complainant (mother of the deceased) in person.

1. Reply filed by the IO. Copy supplied.
2. **It is submitted by the Ld. Counsel for the accused/applicant that no other bail application of the accused is pending before Hon'ble High Court of Delhi or any other court of law.**
3. It is submitted by the Ld. Counsel for the accused/applicant that charge-sheet has been filed in the present matter qua the accused/applicant and investigation qua the accused/applicant has been completed. It has been further submitted that accused/applicant is in JC since 05 years 11 months. It has been further submitted that as per the prosecution case, the accused/applicant is not the main accused in the present matter. Also that, all the material witnesses have been examined in the present matter, who have not supported the prosecution case against accused/applicant Tushar @ Aniket regarding the allegation that the accused/applicant.
4. It is further argued on behalf of the Ld. Counsel for

the accused/applicant that during the testimony of PW-1, Ms. Mohini, she had clearly stated that she had not seen the accused/applicant along with co-accused Sumit at District Centre, Janakpuri. Also that, there are no eye witnesses in the present case, who could have confirmed that accused/applicant was involved in the commission of the present offence. It has been further submitted that during the testimony of PW-6 i.e. Mother of the deceased, Smt. Harjeet Kaur, she has made allegations against the complainant, Ms. Mohini as well as her mother in respect of threatening, however, no investigation was carried out against them. Further, vague allegations of the said witness seeing the accused/applicant Tushar @ Aniket following the deceased which have come on record have also not been duly substantiated by them.

5. It is further argued on behalf of the Ld. Counsel for the accused/applicant that previous bail application dated 08.10.2025 dismissed by Ld. ASJ-05 clearly mentions that PW-11, HC Pawan Kumar has deposed that countrymade pistol and three live cartridges have been recovered from the house of the applicant/accused Tushar @ Aniket at his instance in the presence of PW-1 Mohini and PW-6 Harjeet Kaur witnesses. It has been further submitted that no public witnesses except PW-1 Mohini and PW-6 Harjeet Kaur have been shown as witnesses to the said recovery. It has been further stated that there are various discrepancies in the statements of witnesses i.e. PW-1 Mohini PW-11 HC Pawan Kumar, PW-6, Harjeet Kaur and PW-18 Deshraj. Further, there is also discrepancies with respect to mode of conveyance in statements of PW-11 HC Pawan Kumar and PW-18 Deshraj. Further, accused/applicant is ready to abide by

the terms and conditions of the bail.

6. Ld. Counsel for the accused/applicant has relied on following judgments ***Babu Singh and Ors. Vs. State of U.P (SC 0059/1978)***, ***Aman Gaur Vs. State (DE/7300/2011)***, ***Sunny Vs. State of NCT of Delhi (DE/0955/2021)***, ***Meenakshi Vs. State of NCT of Delhi (DE/4634/2022)***, ***Prabhkar Tiwari Vs. State of U.P. (SC/0085/2020)***, ***Navendu Babbar Vs. State of NCT of Delhi (DE/1267/2020)***, ***Mohd Ayyub Vs. State of NCT of Delhi (DE/2011/2021)***, ***Malvinder Mohan Singh Vs. State of NCT of Delhi(De/3935)***, ***Sanjay Chandra Vs. CBI (SC/1375/2011)***, ***Balwinder Singh Vs. State of Punjab (SCOR/107352/2024)***, ***Ganesh Vs. State of Maharashtra (SCOR/77377/2024)***, ***Sagar Ashok Satkar Vs. State of Maharashtra (SC/1101/2024)***, ***Praveen Rathore Vs. State of Rajasthan (2023) (SCC Online SC 1268)***, ***Indrani Pratim Mukejea Vs. CBI (SC/0803/2022)***, ***P. Chidambaram Vs. CBI (SC/1456/2019)*** and ***Sanju Rana Vs. State (DE/4399/2024)***.

7. Mother of the deceased (complainant in the present matter) has vehemently opposed the present bail application on the ground that accused/applicant is continuously influencing her and have been offering gratification for not opposing the bail application of accused/applicant Tushar @ Aniket.

8. Per contra, Ld. Addl. PP for the State with assistance from the IO has vehemently opposed the bail application. It is submitted by the Ld. Addl. PP that the main IO of the case and other formal witnesses are yet to be examined in the present matter. Also that, the weapon of offence have been recovered at the instance of the accused/applicant and that FSL report

regarding the weapon of offence is 'positive' in the present case. Further that, the motorcycle of the accused/applicant was used to commit the said offence. Further that, the accused/applicant have been continuously trying to influence the prosecution witnesses in the present matter as per the submissions of the complainant before the court. Further that material witnesses including the FSL expert are remaining to be examined in the present matter and that releasing the accused/applicant on bail at this stage will hamper the fair trial as there are chances of accused/applicant influencing and threatening the other witnesses or absconding from the jurisdiction of the court. Moreover, the bail of the main accused Sumit, which was argued on the same lines before the Hon'ble Delhi High Court stands dismissed vide order dated 08.05.2025.

9. The arguments of both the sides have been heard in detail and the relevant record and judgments relied upon have been duly perused.

10. Perusal of the record shows that charge under Section 302 IPC & 25/24 Arms Act has been framed against the accused/applicant. Also that, the previous bail applications filed on behalf of accused/applicant Tushar @ Aniket have already been dismissed by the co-ordinate benches of this court wherein the court did not deem it fit to grant bail to the said accused person. Further, as per the supplementary charge-sheet, the FSL report has been filed and per the FSL report, it has been opined that *"recovered empty cartridge alongwith bullet (led) recovered from the body of the deceased have been fired with the recovered weapon of offence which was sent for FSL"*. Further that material witnesses including the FSL expert are remaining to be examined

in the present matter. At this stage, there cannot be detailed appreciation of the evidence at this stage and prima-facie, it appears that PW-1, Mohini has supported the case of the prosecution. Moreover, mother of the deceased has today also alleged that accused/applicant is trying to influence her. Therefore, in view of foregoing discussion, **this court does not deem it fit to enlarge the accused/applicant on bail in the present matter, at this stage as there are chances of accused/applicant influencing the witnesses or absconding from the jurisdiction of this court.**

11. **Accordingly, the 7th bail application filed on behalf of the accused/applicant Tushar @ Aniket stands dismissed and disposed of.**

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

13. As prayed, copy of the order be given dasti to Ld. Counsel for applicant/ accused.

14. Order be also uploaded on CIS.

(Mahima Rai Singh)
Addl. Sessions Judge-06,
South West District, Dwarka
22.01.2026(RA)