

**IN THE COURT OF MS. SURABHI SHARMA VATS,  
ASJ-04, SHAHDARA, KARKARDOOMA COURTS : DELHI.**

SC No. 461/2025, IA No. 01/2025

STATE VS. Shakeel

FIR No. 288/2025

PS Jafrabad

U/s 103(1)/115(2)/118(1)3(5) BNS

17.01.2026

File is taken up on an application moved on behalf of the applicant/accused Shakeel under Section 483 of BNSS seeking regular bail.

Present: Sh. S.K. Dubey, Ld. Addl. PP for State.  
Mohd. Azharuddin, Ld. Counsel for the applicant/  
accused.

Arguments on the present bail application heard.

1. It is submitted by Ld. Counsel for the applicant/accused that the applicant/accused has been falsely implicated in the present case; that there are material contradictions in the statement of witness and CCTV footage of the incident; that applicant/accused had not participated in the alleged incident and in fact, he was preventing his sons i.e. co-accused persons Aadil and Kamil from committing the offences in question.

2. Ld. Counsel for applicant/accused has further submitted that investigation of the present case is complete and no purpose would be served by keeping the applicant/accused behind bars, therefore, the applicant/accused may be admitted on bail. The applicant/accused is ready to abide by the all the terms

and conditions and is also ready to furnish reliable surety to the entire satisfaction of the Hon'ble Court.

3. Per-contra, Ld. PP for the State has strongly opposed this bail application while submitting that the allegations and offences against the accused/ applicant are grave in nature; as per the case of Prosecution, the complainant Javed had an ancestral house bearing no. 211, Gali No. 10, Jafrabad which was sold about 7/8 years ago; that he became friends with victim/deceased Fardeen S/o Mohd. Zafar R/o House No. 424, Street No. 20, Jafrabad, while living in the said house; that on 09.07.2025, at around 10.30 pm, complainant along with his friend Fardeen (deceased) and his elder brother Haarish were standing at Fahim Bawarchi Chowk's corner, Street No. 10, to save themselves from the rain; during that time, accused Mohd. Kamil and his brother Aadil (accused persons), riding a scooter, passed in front of them and on seeing them there, they stopped their scooter; the complainant already knew the accused persons; the complainant had lent a sum of Rs. 2,000/- to the accused Adil about 1.5 months ago; the accused Adil returned Rs. 200/- after a few days; both the accused persons stopped their scooter and asked him why he was standing there hiding, to which the complainant replied that they were standing there to avoid the rain and asked him as to when he will return his money; on hearing this, both the accused persons got enraged and accused Adil attacked on the face of the complainant with a sharp object which injured his nose. On seeing a lot of blood oozing from his nose, two friends of the complainant i.e. Fardeen and Haarish protested against it and then a scuffle broke out with them too.

On hearing the noise, the applicant/accused Shakeel (father of the accused Adil and Kamil) also came to the spot and took the complainant and his friends to his house to get him bandaged and assuring them that he would return the money. Fardeen (deceased) stopped on the way to urinate and the complainant and his friend Haarish went to the house of the accused persons. Accused persons told them to go out of their house and they would come and get him bandaged; as soon as complainant and Fardeen, came out of the house of the accused persons, applicant/accused Shakeel caught the complainant in the street, who was having a knife in his hands which Fardeen took from his hand and kept in his pocket. After this, the applicant/accused Shakeel and accused Kaamil caught victim/deceased Fardeen and accused Aadil stabbed him several times with a knife. Applicant/accused Shakeel and accused Kamil were saying that *“maar saale ko aur isse jaan se maar do”*. Victim/deceased Fardeen fell on the ground injured and all the accused persons entered their house and closed the door. Meanwhile, father of deceased Fardeen and his brother Haarish also reached the spot and both of them took the injured Fardeen on a scooter to the JPC Hospital for treatment where he was declared dead.

4. Ld. Addl. PP for the State further submits that as per post-mortem report, the cause of the death is opined as Cardiac tamponade as a result of sharp and pointed weapon injury to chest. It is further opined that Injury no. 2 and 4 were sufficient to cause death in ordinary course of nature, individually as well

as collectively. Further, the post-mortem report of the deceased/victim Fardeen reveals following injuries:

- i. Stab wound of size 2.2cm x 0.5cm x 4.4cm deep, present vertically over right side of chest, along the anterior axillary fold, 11.5 cm below shoulder tip, 14.5 cm lateral to midline. Margins were clean cut, and lower end was acute angled.
- ii. Incised wound of size 1.7cm x 0.8 cm x 1.5cm deep, present vertically over right side of chest, 5.5cm below sternoclavicular joint and 2.3cm lateral to midline. Margins were clean cut, and Lower end was acute angled.
- iii. Stab wound of size 1cm x 0.7cm x 1.5 cm deep, present over left side of chest, adjacent to middle 1by3rd of clavicle, 6cm lateral to midline. Margins were clean cut, and lower end was acute angled.
- iv. Stab wound of size 2.3cm x 0.9cm x 20.5 cm deep, present obliquely over left side of abdomen, 3cm lateral to midline and 21.5cm below sternoclavicular joint. The upper end was directed outwards towards the left shoulder tip, ad acute angled. Margins were clean cut.
- v. Stab wound of size 2.2cm x 1cm x 4.3cm deep, present over left side of abdomen, 1cm lateral to midline, adjacent to umbilicus. Upper end was obliquely directed towards right shoulder tip and acute angled. Margins were clean cut.
- vi. Stab wound of size 2.2cm x 1cm x 4.3cm deep, present vertically over posterior aspect of lower 1by3rd of left arm. Margins were clean cut, and upper end was acute angled.

vii. Incised wound of size 3cm x 0.3 cm x 1 cm deep, present over lateral aspect of upper 1by3rd of left forearm. Margins were clean cut.

viii. Incised wound of size 1.2cm x 0.6cm x muscle deep, present over dorsum of left hand. Margins were clean cut.

5. It is further submitted by Ld. Addl. PP that applicant/accused has been named in the FIR and specific role has been ascribed to him; that the offences in question have been committed in furtherance of the common intention whereby, the accused persons have brutally murdered the victim/deceased Fardeen; that the applicant/accused has played an active role in the incident in question and there is CCTV footage of the incident in which the applicant/accused is clearly visible participating in the incident.

6. Ld. Addl. PP for the State has further submitted that at the stage of determining the question of bail, detailed/ minute evaluation of the facts and appreciation thereof, ought not to be done. Further, the trial of the matter is at the nascent stage and there is a possibility that applicant/accused may try to influence the witnesses or may threaten them, therefore, the applicant/accused may not be admitted on bail.

7. This Court has heard the arguments on this application and has also perused the available record.

8. As per the case of the Prosecution, the accused persons in furtherance of their common intention assaulted the

victim/deceased Fardeen with a knife. It is alleged that accused Shakeel restrained the victim and exhorted the co-accused during the incident, whereafter multiple injuries were inflicted upon the victim/deceased Fardeen which resulted into his death.

Post Mortem Report of the victim/deceased Fardeen, reveals the cause of the death as Cardiac tamponade as a result of sharp and pointed weapon injury to chest. It is further opined that Injury no. 2 and 4 were sufficient to cause death in ordinary course of nature, individually as well as collectively.

Post mortem report also reveals multiple injuries as (i) Stab wound of size 2.2cm x 0.5cm x 4.4cm deep, present vertically over right side of chest, along the anterior axillary fold, 11.5 cm below shoulder tip, 14.5 cm lateral to midline. Margins were clean cut, and lower end was acute angled, (ii) Incised wound of size 1.7cm x 0.8 cm x 1.5cm deep, present vertically over right side of chest, 5.5cm below sternoclavicular joint and 2.3cm lateral to midline. Margins were clean cut, and Lower end was acute angled, (iii) Stab wound of size 1cm x 0.7cm x 1.5 cm deep, present over left side of chest, adjacent to middle 1by3rd of clavicle, 6cm lateral to midline. Margins were clean cut, and lower end was acute angled, (iv) Stab wound of size 2.3cm x 0.9cm x 20.5 cm deep, present obliquely over left side of abdomen, 3cm lateral to midline and 21.5cm below sternoclavicular joint. The upper end was directed outwards towards the left shoulder tip, ad acute angled. Margins were clean cut, (v) Stab wound of size 2.2cm x 1cm x 4.3cm deep, present over left side of abdomen, 1cm lateral to midline, adjacent to umbilicus. Upper end was obliquely directed towards right shoulder tip and acute angled. Margins were clean cut, (vi)

Stab wound of size 2.2cm x 1cm x 4.3cm deep, present vertically over posterior aspect of lower 1by3rd of left arm. Margins were clean cut, and upper end was acute angled, (vii) Incised wound of size 3cm x 0.3 cm x 1 cm deep, present over lateral aspect of upper 1by3rd of left forearm. Margins were clean cut and (viii) Incised wound of size 1.2cm x 0.6cm x muscle deep, present over dorsum of left hand. Margins were clean cut.

The allegations against the accused/applicant are quite grave in nature. An innocent victim has been brutally murdered, which has not only shaken the conscience of society but also reflects the seriousness of the offence alleged. The manner in which the crime is stated to have been committed demonstrates a high degree of cruelty.

The applicant/accused is clearly seen at the place of incident in the CCTV footage of the incident. It is well settled principle of law that at the stage of determining the question of bail, detailed/ minute evaluation of the facts and appreciation thereof, is not to be done. The trial of the matter is at the nascent and none of the witnesses in the present matter have been examined yet, therefore, possibility of threatening the witnesses, by the applicant/accused also cannot be ruled out at this stage.

At this stage, considering the nature and gravity of the accusation, the severity of the punishment prescribed, and the material placed on record, this Court is of the considered view that no case for grant of bail of the applicant/accused Shakeel is made out. Therefore, the present bail application stands, **dismissed.**

9. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*
10. Application stands disposed of accordingly.
11. In compliance of directions of Hon'ble Supreme Court in case titled '*In Re: Policy Strategy for Grant of Bail, Writ Petition (Crl.) No. 04/2021 dated 31.01.2023*', e-copy of this order be sent to applicant via e-mail through concerned Jail Superintendent for information.
13. Copy of order be given dasti to Ld. Counsel for the applicant/accused and to the State as well.

(SURABHI SHARMA VATS)  
ASJ-04, Shahdara/KKD Courts,  
Delhi/17.01.2026