

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE
WEST DISTRICT : TIS HAZARI COURTS : DELHI**

**SC No. 90/2025
FIR No. 1263/2024
PS : Nihal Vihar
State vs. Mohd. Kamre @ Pavva
U/s. 105 BNS**

01.12.2025

Present: Mr. Prashant Chaudhary, Ld. Substitute Addl. PP for the State.
Ms. Kirti Chauhan, Ld. counsel for the accused.

ORDER

1. Vide this order, I shall dispose of the application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (in short, 'BNSS') filed on behalf of accused Mohd. Kamre @ Pavva seeking grant of bail.

2. As per the version of the prosecution on 23.11.2024, at about 6.00 p.m. on the divider, near Hanuman Mandir, Nangloi, Najafgarh Road, Delhi, the accused hit deceased / complainant Shabuddin with an iron pipe on his vital part i.e. head repeatedly and caused his death and thereby committed an offence punishable under Section 105 BNS. The weapon of offence i.e. iron pipe was found in his possession. Accordingly, he has also been charged with the offence punishable under Section 105 of the BNSS.

3. An application for bail has been filed on behalf of the accused wherein it is stated that the accused has been falsely implicated. He was arrested on 27.11.2024, and has since been in judicial custody. As per the FIR, the complainant had clearly stated that two unknown persons attacked him. Even at the time of treatment, the history given by the injured/complainant to the doctors mentioned on the MLC bearing No. 24186 dated 24.11.2024 states that he was assaulted by two unknown persons on 23.11.2024 at about 6:00 PM. Only after a delay of three days, the complainant, in his supplementary statement, for the first time disclosed the name of the accused/applicant, which appears to be an afterthought and a concocted version aimed at falsely implicating the applicant.

4. It has been further stated that during the course of treatment, the complainant left the hospital of his own will without the permission and despite the doctor's advice. The medical record further shows that the doctors had advised surgery, which the complainant chose to ignore, despite warnings of possible complications. This conduct raises serious doubts on the veracity of the allegations. One of the witnesses, who had made the PCR call at 112, in her statement has stated that on 23.11.2024 in the evening, immediately after the incident, she called at 112 and the PCR took the complainant to the hospital. However, a perusal of

the charge sheet reveals that GD No. IA dated 24.11.2024, was registered only on 24.11.2024 at 12:11 AM, creating a serious doubt on the authenticity and sequence of events as narrated by the prosecution. The trial process has been going on for the past more one year and is anticipated to continue indefinitely, causing prolonged incarceration without a conviction. This ongoing period of detention without a trial violates the fundamental right to a speedy trial and amounts to pre-trial punishment, which runs contrary to principles of justice and fairness.

5. The Investigating Officer filed reply and has opposed the bail application submitting that the case arises out of a serious incident dated 23.11.2024, wherein the complainant/injured Shabuddin S/o Kayum Ansari was found grievously injured near Hanuman Mandir, Nangloi, Najafgarh Road. The complainant had injuries on his leg, occipital region, right-side of his forehead, and frontal region as per MLC No. 24186/24, clearly indicating physical assault by an unknown as told by the injured initially. On receiving DD entry No. 01A dated 24.11.2024, PCR shifted the injured to SGM Hospital, and as soon as he became fit for statement, he disclosed the identity of the assailant as Pavva @ Amre, who assaulted him in an intoxicated condition. On 27.11.24, the statement of the injured victim Shabuddin was recorded in this regard and FIR No. 1263/24 was registered under Section 110

BNS. Later, accused Mohd. Kamre Pavva was apprehended near the Water Plant Road, Kunwar Singh Nagar, Nangloi. He was found in possession of illegal weapons, for which FIR No. 1264/24 under Sections 25/27/54/59 Arms Act was also registered. The weapon "Iron Pipe" used for assaulting the victim Shabuddin was recovered at the instance of the accused. On 30.11.24, the victim/injured Shabuddin was homeless and died on the road side due to injuries and his post-mortem got conducted vide Postmortem No. 1333/24 on dated 02.12.24 at SGM hospital and the doctor opined that cause of death is septicemic shock in case of physical assault and trauma. All injuries are ante-mortem in nature are about one week old caused by blunt force impact and blunt weapon. Section 110 BNS was replaced with 105 BNS after considering the facts and discussing the matter with senior officer. Subsequent opinion about the weapon recovered and injuries on ML.C were taken from forensic Department which is "*injuries mentioned in the PM No. 1333/24 dated 2/12/24 are possible by the Gl Pipe examined of recovered.*" The applicant/ accused has multiple involvements and is a vagabond, he has no permanent source of income, he stays in jhuggies and is out of control of his family and is likely to evade trial if released on bail. There is grave apprehension that the accused will threaten, influence or harm the witnesses. The injuries inflicted were serious in nature, caused by repeated blows on vital body parts sufficient to cause death of the

victim which shows the intent to cause death. It is prayed that the bail application of accused Mohd. Amre @ Pavva be dismissed in the interest of justice.

6. Arguments were addressed by Ms. Kirti Chouhan, Ld. Counsel for the applicant/ accused and Mr. Ashish Kajal, Ld. Addl. PP for the State.

7. Considering the nature and gravity of the charge and the role of the applicant/accused; moreover bearing in mind that the main three eyewitnesses, who are the prime witnesses, are yet to be examined as prosecution witnesses in the case; and the accused has other criminal cases against him which shows that he does not have clean antecedents; he is stated to be out of control of his family and; also there is grave apprehension that the accused will threaten, influence or harm the eyewitnesses, this Court is of the opinion that this is not a fit case for grant of bail. Accordingly, the application for bail filed by the applicant/accused Mohd. Kamre @ Pavva is dismissed.

**Announced in the open Court
on 1st day of December, 2025**

**(Dr. Aditi Choudhary)
Principal District & Sessions Judge (West)
Tis Hazari/Delhi**