

**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**

**20.05.2026**

Present: Mr. Atul Kumar Shrivastava, Ld. Addl. PP for the State.  
Ms. Kirti Chauhan, Ld. counsel for the accused through VC.

**ORDER**

1. Vide this order, I shall dispose of the second bail application filed on behalf of accused Mohd. Kamre @ Pavva under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (in short, 'BNSS') 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 the 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 been charged with the offence punishable under Section 105 of the BNSS.

3. In the present application, it is stated that this is the second bail application of the applicant/accused and that the earlier bail application filed on behalf of the accused was dismissed by Ld. Predecessor of this Court vide order dated 01.12.2025. It is further stated that the accused has been falsely implicated by the police without any basis and was arrested on 27.11.2024, and has since been in judicial custody which has resulted in damage to his reputation, and loss of income. 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 against 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.

5. It has been further stated that there is a material change in circumstances after dismissal of the earlier bail application dated 01.12.2025, which entitles the accused to seek bail afresh. It is stated that PW-8 Ms. Meena Yadav has already been examined on 02.04.2026 and she has turned hostile and has not supported the case of the prosecution, which significantly weakens the prosecution case against the accused. Another material witness, PW-9 Dhan Yadav, despite being summoned on 26.02.2026, has not been examined till date. On 13.03.2026, though the witness was present, the Court was on leave and the matter could not proceed. Thereafter, the said witness has not appeared for examination. It is pertinent to mention here that PW-9 Dhan Yadav was partly examined-in-chief on 06.05.2026 and thereafter, the matter was adjourned for consideration of the present bail application.

6. It has been further stated that the accused has been in judicial custody for over one year and four months, since 27.11.2024. The trial is pending for a considerable amount of time, is anticipated not to be concluded soon, causing prolonged incarceration of the accused 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. The continued custody of the accused serves no purpose, particularly when the trial is proceeding at such a snail's pace, and prolonged incarceration without conviction is contrary to settled principles of criminal jurisprudence and violative of the fundamental rights guaranteed under Article 21 of the Constitution of India.

7. It is submitted further that the object of bail is to secure the accused person's appearance at the trial. The object of bail is neither punitive nor preventive and in this regard, reliance is placed upon *Sanjay Chandra v. Central Bureau of Investigation* (2012) 1 SCC 49. It is further submitted that the founding stone and most important doctrine of criminal jurisprudence in India is that a person is innocent until his guilt is proved. The presumption of innocence cannot be rebutted even upon the basis of reasonable and intelligible anticipation of guilt. However, the accused is presumed guilty even before the conclusion of the trial. The

superior Courts has mandated that if there is no, *prima facie*, case of prosecution, there is no question of considering other circumstances; but even where, a *prima facie*, case is established, the approach of the Court in the matter of bail, is not that the accused should be detained by way of punishment, otherwise when the presence of the accused would be readily available for trial or that the accused is not likely to abuse the discretion granted in his favor by tampering with the evidence, the bail should be granted.

8. It is further stated that the Hon'ble Supreme Court in a catena of decisions has held that detailed examination of documents on merits should be avoided while passing orders on bail application. The huge irreparable loss and injury would be caused to the accused in case of denial of his bail. No purpose and cause would be served to anyone by keeping the accused behind the bars.
9. The accused undertakes to appear before this Court as and when his presence is required. The accused undertakes that he will not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or any police officer. The accused is ready and willing to accept any other conditions as may be imposed by the Court or the police in connection with the case.

10. The Investigating Officer filed reply and Ld. Addl. PP has opposed the bail application submitting that the case arises out of a serious incident dated 23.11.2024, wherein the complainant/injured was found grievously injured having injuries on his leg, occipital region, right-side of his forehead, and frontal region as per MLC No. 24186/24, clearly indicating physical assault. 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 was recorded in this regard and FIR No. 1263/24 was registered under Section 110 BNS. Later on, the accused 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 of offence i.e. "Iron Pipe" was recovered at the instance of the accused. On 30.11.24, the deceased 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.

Therefore, Section 110 BNS was replaced with 105 BNS.

- 11.** 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 enlarged on bail. There is grave apprehension that the accused will threaten, influence or harm the witnesses. One of the witness has identified the accused during trial. 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. Kamre @ Pavva be dismissed in the interest of justice.
- 12.** Arguments were addressed by the Ld. Counsel for the applicant/accused and Ld. Addl. PP for the State.
- 13.** It is argued by the Ld. counsel for the accused that the accused is languishing in judicial custody for the last about one and a half years. Two witnesses, out of three prime witnesses have turned hostile and did not identify the accused present in the Court as being the assailant who had attacked the deceased with iron rod. It is further argued that there is a delay in lodging the FIR in as much as PW-10 Anita Devi has deposed that she called the police

from her number sometime after the incident whereas FIR was lodged at midnight.

- 14.** It is further argued that the doctor in the MLC of the deceased has stated that the patient was brought with the alleged history of physical assault by two unknown persons and the accused has not been named initially as being the assailant by the deceased and the deceased died due to his own negligence as he left the hospital against doctors advice.
- 15.** Ld. Addl. PP for the State has opposed the grant of bail. He has submitted that the allegations against the applicant/accused are very serious and grave in nature. The accused is the one who had hit the deceased with iron pipe on his vital part of the body i.e. head repeatedly and caused his death. PWs have supported the case of prosecution during trial. It was at the instance of the applicant/accused that the weapon of offence i.e. iron rod was recovered. It is further argued that the victim has not permanent address and he used to reside on the roadside / pavement at the time of incident and in case, he is released on bail, there is every apprehension that he may abscond.
- 16.** The contention of Ld. counsel for the applicant/accused is that there are contradictions and discrepancies in the case of

prosecution regarding the time of incident; recovery of the weapon of offence which as per the testimony of PW-10 Anita Devi, she snatched the same from the accused but as per the charge sheet, it happened to be got recovered by the accused. The further contention of the Ld. counsel for the applicant/accused is that there are contradictions and discrepancies regarding assault on the deceased, which as per details in the MLC was caused by two unknown persons, however, the accused was not named initially as being the assailant. These contentions are to be adjudicated upon at the time of disposal of this case on conclusion of trial, which could not be entertained, at this stage, while disposing of this application.

17. Keeping in view the submissions of the Ld. counsel for the accused and Ld. Addl. PP, nature and gravity of the offence, and the role of the applicant/accused assigned in the chargesheet, which is supported by atleast one witness, this Court is of the opinion that the applicant/accused is not entitled to grant of bail. Accordingly, the application for bail filed by the applicant/accused Mohd. Kamre @ Pavva is dismissed.

**Announced in the open Court  
on 20<sup>th</sup> day of May, 2026**

**(Dr. Vijay Kumar Dahiya)  
Principal District & Sessions Judge (West)  
Tis Hazari/Delhi**