



2026:DHC:7435



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 02.09.2026

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CNR No. DLHC010292622026

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BAIL APPLN.2600/2026**ABHISEKH @ SEKHU**

.....Petitioner

Through: Mr. Manoj Dahiya, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Inspector Vijay Kumar.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 743/2020 of PS Bawana for offence under Section 302/201 IPC and Section 25/27 Arms Act.

2. Despite serious observations against conduct of the investigating agency as recorded in bail application of co-accused Aman, nothing seems to have changed and in this case also, the status report has not been filed despite directions. In the bail application of co-accused Aman, it was recorded that the status report filed in that case was incomplete and misleading as the concerned SHO concealed vital testimony of star witness of prosecution. That being so, I find no reason to adjourn the present matter

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with fresh directions to file the status report. I have heard learned counsel for accused/applicant and learned APP for State assisted by Investigating Officer/Inspector Vijay Kumar.

3. Broadly speaking, the prosecution case commenced on a blind FIR registered on the statement of the father of the deceased to the effect that the deceased had not returned home overnight and in the morning, he (*father of the deceased*) came to know about discovery of a dead body in that area and on reaching that spot, he identified the dead body to be of his deceased son. The investigation revealed that the deceased had been killed by being shot at twice with a pistol.

4. On behalf of accused/applicant, it is submitted that he has been in jail since 04.10.2021 and there is no cogent evidence against him. It is submitted that out of 25 prosecution witnesses, only five witnesses have been examined and the remaining are formal witnesses. Learned counsel for accused/applicant has also taken me through order dated 10.02.2026 whereby the similarly placed co-accused Aman was granted bail.

5. Learned APP for State opposes the bail application on the ground that there is strong evidence against the present accused/applicant in the form of last seen material. It is contended that PW1 Smt. Haseena, wife of the deceased, had lastly seen the deceased in the company of the present accused/applicant and she identified the accused/applicant through CCTV

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footage.

6. As reflected from order dated 10.02.2026, whereby co-accused Aman was granted bail, there is a glaring aspect which throws serious doubt on truthfulness of investigation. According to prosecution case, the pistol allegedly recovered from co-accused Sanjay was of .32 bore, whereas according to the FSL report, the bullets allegedly recovered from the dead body were of .315 bore; and admittedly no pistol of .315 bore was recovered from or at the instance of any of the accused persons.

7. As regards the credibility of last seen evidence, the solitary witness of that fact is PW1 Smt. Haseena, wife of the deceased, but in her chief-examination, she categorically did not identify the present accused/applicant allegedly depicted in the CCTV footage.

8. At this stage, I must add a cautious rider that these observations have been recorded only while dealing with the rival arguments. The learned trial court at the final stage, shall take independent view on the basis of evidence brought on record.

9. Considering the above circumstances, I find no reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in

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the like amount to the satisfaction of the Trial Court/Duty Magistrate.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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GIRISH KATHPALIA
(JUDGE)

SEPTEMBER 02, 2026/as

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