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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010452362026**

\+ BAIL APPLN. 3976/2026 & CRL.M.A. 29503/2026

AJMAT ALI .....Petitioner

Through: Mr. Rishu Lal, Mr. Karan, Mr. Shrikant Sharma, Advocates.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State with Mr. Narender Kumar, Advocate along with Insp. Naveen Kumar, SI Amit Sehrawat, PS Samaypur Badli.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 12.10.2026

1. The Applicant seeks regular bail in FIR No. 195/2024, registered at Police Station Samaypur Badli, Delhi, for offences under Sections 302/34 of the Indian Penal Code, 1860. This is his second application before this Court, the earlier application having been dismissed on 8th August, 2025. His subsequent application before the Sessions Court was also rejected on 24th August, 2026.

2. The prosecution case concerns the death of Jatin, aged about 18 years, who was allegedly assaulted by a group of persons on the night of 12th February, 2024, near CG-201, Sanjay Gandhi Transport Nagar, Delhi, in

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connection with a monetary dispute involving the deceased and certain accused persons. According to the prosecution, the Applicant was among the assailants who subjected Jatin to physical assault involving a wooden stick, kicks and fist blows. The post-mortem report records multiple injuries and attributes the death to cerebral damage consequent upon blunt-force injuries to the head. The Applicant was arrested on 14th February, 2024. Charges under Sections 302/34 IPC have since been framed, and the trial is underway.

3. Counsel for the Applicant submits that there has been a material change in circumstances since the earlier rejection of bail. The principal eyewitnesses have now been examined and their depositions do not present a consistent account regarding the Applicant's identity. While PW-1 Shivam has identified the Applicant, PW-2 Himanshu, who is also the complainant and claims to have witnessed the same assault, has identified four other accused persons but not the Applicant. PW-4 Paras was not present at the time of the assault and has neither identified the Applicant nor attributed any role to him. Counsel further points out that PW-1 first identified the Applicant at the police station, after he had been brought there by the police. Further, the FSL report has failed to establish the Applicant's identity from the CCTV footage, which was a significant consideration when bail was earlier refused. No incriminating recovery has been effected from the Applicant. It is urged that these developments, coupled with nearly two years and eight months of incarceration and the slow progress of trial, justify reconsideration of bail.

4. The State strongly opposes the application, emphasizing the gravity of the offence and the nature of the assault which resulted in Jatin's death. It is

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submitted that PW-1 has categorically identified the Applicant in Court as one of the assailants and has maintained this account even during cross-examination. The State also relies upon the CCTV footage, which, according to the investigating agency, depicts the Applicant participating in the assault. It is urged that the inability of PW-2 to identify every assailant does not diminish the evidentiary value of PW-1's identification, particularly when several persons were involved in the occurrence. The State also points to the Applicant's involvement in another criminal case and expresses apprehension that his release may expose the remaining witnesses to intimidation or interference.

5. The Court has considered the rival submissions and the material now available. At the outset, the earlier order dated 8th August, 2025, must be kept in view. Bail was declined principally because the investigation had yielded eyewitness identification implicating the Applicant, together with CCTV footage which, according to the prosecution, depicted his participation in the assault. At that stage, the material witnesses had not been examined, and the forensic examination of the footage was awaited. The position has since changed. The testimony of the principal witnesses, including their cross-examination, and the subsequent FSL report are now available. These developments provide sufficient grounds for reconsideration of bail, consistent with the principles governing successive applications explained in ***Kalyan Chandra Sarkar v. Rajesh Ranjan***.[1]

6. The allegations are undoubtedly serious. Jatin lost his life following a brutal assault, and the medical evidence indicates injuries of considerable severity. Equally, the Court cannot disregard the testimony of PW-1 Shivam,

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who has identified the Applicant in Court and maintained during cross-examination that he saw him participating in the assault. His evidence *prima facie* constitutes direct incriminating material. Whether that identification is ultimately reliable is a matter for trial, and the Court does not propose to prejudge it.

7. There are, however, other aspects of the evidence which merit consideration, without undertaking a detailed assessment of its credibility. PW-2 Himanshu, who claims to have reached the spot with PW-1 and witnessed the same assault, has identified four accused persons but not the Applicant. He explained that he could not properly see the faces of the remaining assailants. This may not establish that the Applicant was absent or necessarily detract from PW-1's positive identification. Nevertheless, the fact that PW-2, who claims to have witnessed the same occurrence, has not identified the Applicant is a circumstance relevant to the present consideration of bail. PW-4 Paras did not witness the assault. Without expressing any opinion on the reliability of these witnesses, the Court considers it relevant that the evidence now available places the Applicant's identification in an evidentiary context that was not before the Court when bail was earlier refused. The weight to be attached to these circumstances, however, must ultimately be determined at trial.

8. The forensic evidence must also be understood in its proper perspective. The FSL report dated 19th November, 2025, records that the extracted facial images were of low pixel resolution, rendering further examination impossible. The report does not exclude the Applicant or return a negative identification. At the same time, it does not furnish the scientific

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[1] (2004) 7 SCC 528.

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confirmation of identity which the prosecution had expected from the footage. The CCTV evidence remains available to the prosecution, subject to its proof and appreciation at trial, but its forensic examination has not strengthened the identification of the Applicant.

9. Thus, while the prosecution continues to have direct eyewitness evidence against the Applicant, the subsequent developments have materially altered the evidentiary position that prevailed when bail was earlier refused. These circumstances are relevant for the limited purpose of assessing whether the Applicant's continued detention is warranted, without expressing any opinion on the merits of the prosecution case.

10. The Applicant has already undergone nearly two years and eight months of custody. As per the latest status report, seven out of 37 prosecution witnesses have been examined. Although the trial has progressed to the stage where the principal eyewitnesses have testified, a substantial number of witnesses remain, and its early conclusion cannot presently be assumed. The nominal roll further records satisfactory jail conduct. It also discloses another pending FIR, bearing No. 704/2018, under Sections 356/379/411/34 IPC, in which the Applicant is on bail. This circumstance has been duly considered, although it is noted that no conviction has been recorded against the Applicant.

11. The apprehension regarding witness intimidation also deserves attention, particularly given the nature of the offence. The principal eyewitnesses have already been examined, though the possibility of interference with the remaining evidence cannot be ignored. The witnesses have referred to threatening calls, but the material presently placed before the Court does not connect those threats to the Applicant. Appropriate

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conditions can address the apprehension, and any attempt to influence a witness would furnish grounds for cancellation of bail.

12. Having regard to the facts noted above, the Court is satisfied that a case for grant of bail is now made out. Accordingly, the application is allowed. The Applicant is directed to be released on regular bail upon furnishing a personal bond of INR 25,000/- with two surety of the like amount to the satisfaction of the Trial Court, subject to the following conditions:

a. The Applicant shall appear before the Trial Court on every date of hearing, unless exempted.

b. He shall not directly or indirectly contact, threaten, induce or influence any prosecution witness or any member of the deceased's family.

c. He shall furnish his current residential address and mobile number to the Investigating Officer and the Trial Court, and shall intimate any change in these particulars.

d. He shall not leave the country without prior permission of the Trial Court.

e. He shall appear before the concerned Investigating Officer on the first Monday of every three months at 2:00 PM to mark his presence. However, he shall not be kept waiting for longer than one hour for this purpose.

f. He shall not indulge in any criminal activity or otherwise misuse the liberty granted to him.

13. Any violation of these conditions shall entitle the State to seek cancellation of bail.

14. The observations made in this order are confined to the consideration of bail and shall not influence the Trial Court in its appreciation of the

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evidence or determination of the charges.

15. The application stands disposed of.

SANJEEV NARULA, J

OCTOBER 12, 2026/ab

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