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

+ **BAIL APPLN. 138/2024**

RAM KISHORE

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Kshitij Goel,
Mr. Sachin Kumar, Mr. Rishav
Sharma, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Ashneet Singh, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **08.07.2024**

1. The present application has been filed on behalf of the petitioner/applicant seeking regular bail in FIR No. 10/2016 registered under Sections 302/396/120B/412/201 IPC at Police Station Rajinder Nagar, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 13.01.2016 and the trial is not likely to be concluded in the near future. It is stated that though the charges were framed on 18.02.2022, however, till date only 33 out of 52 witnesses have been examined. It is further contended that the applicant is the sole earning member of the family and is not involved in any other case.
3. Learned APP for the State, on the other hand, has vehemently opposed the bail application. He submits that the present case was registered on 10.01.2016 upon a PCR Call reporting about a child and lady lying unconscious and whose hands were tied. When the crime team reached the spot, a total of 3 dead bodies were found inside the house. One of the



deceased was identified as *Jyoti Kumar*, aged about 45 years. Her face was upward and both her hands were behind her head. The other deceased was a male identified as *Pawan Kumar*, aged about 22 years. One stall was found tied around his neck and his hands were also tied behind his back. Another male body was discovered, aged about 50 years, in a sitting position. The deceased was identified as *Sanjay Kumar* and his neck was found tied with a *gamcha*. On further inspection, three plates for serving food were also found. As per the postmortem report, the doctor opined that the cause of death was Asphyxia as a result of ligature strangulation (qua deceased *Sanjay Kumar*), Asphyxia as a result of combined effect of smothering and strangulation (qua deceased *Jyoti Kumar*), Asphyxia by strangulation by ligature (qua deceased *Pawan Kumar*). The motive of the crime is stated to be the commission of statedly dacoity and a sum of Rs.46,000/- alongwith certain other articles was looted. Further, a ring of one of the deceased has been recovered at the instance of the applicant. He, on instructions, further states that the applicant is found involved in another case being FIR No.15/2022 registered under Sections 193/471 IPC at PS Sabzi Mandi.

It is further stated that one witness has since expired and another one has been dropped.

4. I have heard learned counsel for the applicant as well as learned APP for the State and have also gone through the material placed on record. A perusal of the status report would show that while the initial motive of the accused persons was to commit dacoity, however, subsequently, the incident of triple murder took place. As per the prosecution case, the accused persons robbed certain jewellery, house articles, watches and documents alongwith Rs.46,000/-. One of the aforesaid robbed items i.e. a ring has been recovered



at the instance of the applicant. Further, blood of one of the deceased *Pawan Kumar* has been detected on the shoe of the applicant. Further, on examining the call records of co-accused *Rajender @ Raju @ Raju Bhai*, it was found that his phone had an automatic call recorder, wherein a call between *Ram Kishore* and *Raju* was found to be recorded. A transcript of the same has also been placed on record. Even the applicant's location at the spot is also established from his CDR.

5. Considering the gravity of the act/offence committed i.e. triple murder as well as the fact that a recovery has been effected at the instance of the applicant coupled with the fact that the offence took place during the commission of dacoity, I find no ground to entertain the present application. Accordingly, the application is dismissed.

6. The FIR relates to the year 2016 and the case is still at the stage of prosecution evidence. The trial court shall make an endeavor to expedite the trial and conclude the same within one year from the next date of hearing.

MANOJ KUMAR OHRI, J

JULY 8, 2024

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