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

+ **BAIL APPLN. 868/2024**

BIR SINGH

..... Petitioner

Through: **Mr. Zeeshan Hashmi and Mr. Mohd. Adil, Advocates.**

versus

STATE NCT OF DELHI

..... Respondent

Through: **Mr. Ashneet Singh, APP for State with Inspector Satbir Singh and SI Rajesh Chauhan PS Jaitpur, Delhi.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

10.04.2024

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1. By way of present application filed under Section 439 Cr.P.C., the petitioner /applicant seeks regular bail in case FIR No.85/2014 registered under Sections 302/307/109/201/120B/411/341 IPC at PS Jaitpur, Delhi.
2. Learned counsel for the petitioner/applicant submits that the applicant has been in custody since 17.02.2014. He has cited various judgments to submit that prolonged incarceration is a ground to be released on bail.
3. Learned APP for the State, on the other hand, has opposed the bail application. It is stated that allegations against the present applicant are serious in nature inasmuch as the present case involves a triple murder. It is further submitted that the presence of the applicant at the spot has been stated by the eye witnesses. As per the status report handed over in the Court today and which is taken on record, the motive for the offence is stated to be an earlier quarrel. It is further informed that applicant's earlier bail applications being Bail Application Nos. 2261/2018, 1204/2021 and



724/2022 have all been dismissed by this Court.

4. I have heard learned counsel for the applicant and learned APP for the State, and have also perused the material placed on record.

5. It is argued that the applicant has been in custody since 2017 and considering this long period of incarceration, the applicant be released on bail. While it is true that long incarceration may prove detrimental to an accused, especially as an under-trial, however, the same cannot in all cases be the sole criteria for release of an accused person. The same has to be considered in light of the allegations levelled against the accused. It is trite law that while considering a bail application, the Court is not required to undertake a detailed analysis of the evidence placed on record, but is only required to form a prima facie view upon the role/allegations levelled against the applicant.

6. In the present case, the FIR relates to a triple murder case with allegations of incident of shooting upon three persons. Notably, an eye-witness to the said incident has identified the applicant as one of the accused persons who was involved in the said incident.

7. Considering the seriousness of the offence and the fact that applicant's earlier three bail applications have been dismissed by this Court on account of the seriousness of the offence as well as keeping in view the testimony of eye witnesses, who have stated about the presence of the applicant at the spot, this Court finds no ground to entertain the present bail application and the same is accordingly dismissed. The Trial Court, however, is directed to make an endeavour to expedite the trial and conclude the same as early as possible, considering that the FIR relates to the year 2014.



8. The application is disposed of in above terms.

MANOJ KUMAR OHRI, J

APRIL 10, 2024/rd