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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 321/2025**

PARMOD

.....Applicant

Through: Ms. Nanda Chhetri, Adv.

versus

STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav & Mr. Lalit
Luthra, Advs.
Inspector Rishi Sharma,
PS – Safdarjung Enclave

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

13.05.2025

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1. The present application is filed seeking regular bail in FIR No. 282/2020 dated 21.06.2020 for offences under Sections 302/34 of the Indian Penal Code, 1860 ('IPC') registered at Police Station Safdarjung Enclave.

2. The FIR was registered pursuant to the information about the incident of robbery. The police officials, on receiving information, reached House bearing No. A-1/252, Upper Ground Floor, Safdarjung Enclave (hereafter '**place of incident**'). Injured victim namely– Sh. Baldev Raj Chawla who is 94 years of age, was found in the dining room, with marks of being tied on his hands. The victim namely – Smt. Kanta Chawla who was 88 years of age, was found in another room lying dead on the bed, with knife injury marks on her neck and her hand. The door of the house was broken and blood was found at the place of incident, along with white hair and a jaw with teeth lying there.

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The contents of the room and cupboard were found scattered.

3. The victims were taken to Safdarjung Hospital, where the doctor declared Smt. Kanta Chawla as brought dead and the injured victim Sh. Baldev Raj Chawla was admitted in the hospital for injuries inflicted due to assault with knife.

4. The investigation led to one, Rajesh, who was employed as a security guard by the victims 10 days prior and was missing on the date of incident. CCTV footages were examined which showed three suspicious persons coming out of the street. The CDR analysis of Rajesh led to one taxi driver namely–Rajender who disclosed that he had picked up four Nepali persons from Safdarjung Enclave on the previous night, to take them to Lakhimpur to go to Nepal. Four accused persons namely – Rajesh, Gyanander, Om Singh and the applicant were arrested on 21.06.2020. They were identified by the taxi driver. The case property (cash and jewellery) was also recovered from them. The weapon of offence, that is, the knife, was recovered at the instance of accused – Gyanander from the park opposite No. A-1/237, Upper Ground Floor, Safdarjung Enclave.

5. The learned counsel for the applicant submits that the applicant had only sat in the taxi for the purpose of going to Nepal. Even as per the case of the prosecution, it is not alleged that the applicant had gone to the victim's house and committed the offence.

6. She further submits that more than four years have elapsed and the trial has still not completed.

7. The learned Additional Public Prosecutor for the State vehemently opposed the present bail application and states that the allegations are serious and the offence committed is gruesome. He submits that the material witnesses are in the



process of examination and any order of release of the accused would hamper the further course of trial. He submits that at the time of arrest, the accused were attempting to flee from the country and, therefore, they being the resident of Nepal, are flight risk.

8. It is well settled that the grant of bail should not be arbitrary or whimsical. The present case involves Section 302 of the IPC for which the maximum punishment is up to life and the Court while considering the application for bail, has to examine and evaluate, albeit briefly, factors such as the *prima facie* case, the severity of the crime and the accused's likelihood to flee from justice, among other considerations.

9. This Court, on earlier occasion had dismissed the bail application filed by the co-accused by order dated 07.04.2025. It was noted that as per the material on record, the accused – Rajesh was appointed just ten days prior to the date of incident and was missing on the day of incident.

10. The accused – Rajesh had disclosed that the crime was committed in connivance with three more accused persons including the applicant.

11. The accused persons including the applicant were also identified by the taxi driver who was hired to take them to Nepal. The recovery of the weapon was also affected on the disclosure by one of the accused persons and stolen articles were recovered from all the accused persons.

12. During interrogation, the applicant had also disclosed that the planning for committing the crime was made when the accused – Rajesh had informed the applicant and other accused persons that he was employed by a rich man who lives alone with his wife. The investigation revealed that the three accused



persons had gone inside the accused's house while the applicant stayed outside to keep a watch. The disclosure of the accused persons is corroborated by the CCTV footage which showed three suspicious persons coming out of the street.

13. Thus, the investigation, at this stage, *prima facie* indicates that there is cogent material to show the involvement of the applicant in the commission of crime. This Court, while dismissing the bail application of the co-accused person, had also noted that out of 41 witnesses, 10 have already been examined. Therefore, it cannot be said that trial is unduly delayed and will not conclude in time.

14. It is pointed out that the applicant has been in custody for more than 4 years. It is trite that long period of incarceration is a factor to be considered while deciding the question of bail. The Hon'ble Apex Court in the case of ***Union of India v. K.A. Najeer* : AIR 2021 SC 712**, has held that once it is obvious that a timely trial would not be possible, and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.

15. However, in the opinion of this Court, the evidence collected at this stage *prima facie* points towards the guilt of the accused. The applicant is involved in the commission of a heinous crime. For this reason, even though there has been a long period of incarceration, yet the same cannot be the only reason to grant bail to the applicant at this stage specially when trial is proceeding without delay and it cannot be said that the conclusion of trial is not possible in timely manner.

16. Accordingly, taking into account the evidence available on record, and the submissions made by the learned counsel for the parties, this Court is of the opinion that *prima facie*, there are



serious allegations against the applicant which at this stage cannot be said to be without any material.

17. The learned Trial Court is requested to expedite the trial and conclude the examination of witnesses to ensure that justice is served in a timely manner.

18. It is made clear that the observations made in the present case are only for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

19. In view of the above, the present application is dismissed.

AMIT MAHAJAN, J

MAY 13, 2025

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