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

+ **BAIL APPLN. 528/2025**

VIKAS VERMA

.....Petitioner

Through: Mr. Tanveer Ahmed Mir, Senior
Advocate with Mr. Yash Datt and Mr.
Chandra Shekhar Anand, Advocates

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

04.03.2025

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1. By way of the instant application, the applicant seeks grant of regular bail in FIR bearing no. 117/2016, registered at Police Station Sarai Rohilla, Delhi, for the offences punishable under section 302/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
2. Briefly stated, the facts of the case are that the complainant had been living on the ground floor of his family's ancestral property in Saraswati Vihar, Delhi, while his brothers, Vijay Singh Verma and Ajit Singh Verma, had been residing on the first and second floors, respectively. There was another ancestral property in Shastri Nagar, where his father and brother had been living on the ground floor. The first floor of that house had been locked, and the keys had remained with the complainant, who had been taking care of his father and sister, as litigation was pending between his



elder brothers and father in both civil and criminal courts. On 27.01.2016, at around 6:30 PM, the complainant had left his house and had returned on 28.01.2016 at approximately 9:30 AM. Upon his return, he had found himself unable to enter his home, as no one had responded when he had tried to open the door. After forcing the door open, he had discovered that his sister and father were lying unconscious inside the house. He further alleged that he had found his sister's mouth and nose bleeding, and his father had been in an abnormal condition, with his *lungi* removed and his body wrapped in a quilt. He had immediately informed the police and had taken his father and sister to the hospital, where they had been declared brought dead. Based on the aforesaid facts and his statement, the present FIR had been registered under Section 302 of IPC against all the accused persons, including the applicant, who was the grandson of one deceased and the nephew of the other.

3. The learned counsel for the applicant argues that the applicant has already undergone an effective custody period of five years and eight months, yet the trial remains pending, and prosecution evidence is yet to be concluded. He contends that the applicant has previously been released on interim bail multiple times and has always maintained clean conduct, demonstrating that he is neither a flight risk nor a threat to the prosecution's case. Additionally, it is submitted that all material witnesses have already been examined, eliminating any possibility of witness tampering. The learned counsel further submits that the forensic evidence relied upon by the prosecution is per se inadmissible at this stage, as the forensic expert is yet to depose in terms of the report submitted. It is argued that the applicant is a young man of 30 years of age with a bright future, who has been falsely



implicated at the behest of the complainant, and that the trial has been proceeding at an unreasonably slow pace, despite the applicant never seeking adjournments before the learned Trial Court. Moreover, it is submitted that the applicant's wife is suffering from breast cancer and urgently requires his presence and assistance. On these grounds, the learned counsel for the applicant prays that the applicant be granted bail.

4. The learned APP for the state has vehemently opposed the grant of bail in the instant case, arguing that the trial is at a crucial stage, and the material witnesses are being examined. He further draws this Court's attention to the evidence on record, which includes the clothes worn by the accused at the time of committing the offence, the scooter bearing number DL 8S 3232 used during the crime, a purse, the keys of the almirah, and the *dhoti* used for strangulation, all of which were recovered from the possession of the applicant, along with a FSL report. He also argues that the CCTV footage, which clearly shows three individuals coming out of the place of the alleged incident, has been taken into police possession. Thus, it is prayed that the present bail application of the applicant be dismissed.

5. This Court has heard arguments advanced on behalf of both the parties, and has perused the material on record.

6. The allegations against the present applicant, in brief, are that he is alleged to have committed the murder of his grandfather and aunt, whose bodies were found under suspicious circumstances in their ancestral home.

7. A perusal of the material on record reveals that the post-mortem report of the deceased establishes that both victims had died due to asphyxia as a result of anti-mortem smothering. This indicates that the cause of death was intentional suffocation rather than natural or accidental circumstances.



8. It is further noted that a *dhoti*, which was allegedly used for strangulation, was recovered at the instance of the accused persons. Additionally, during the course of the investigation, several incriminating recoveries were made at the instance of the accused persons, including the clothes they wore at the time of the incident, the scooter allegedly used for the commission of the offence, as well as the purse and keys of the almirah belonging to the deceased.

9. This Court further notes that the FSL report confirms that the blood of the deceased Hari Kishan was found on the clothes of the present applicant.

10. Furthermore, CCTV footage from the relevant time period captures the accused persons exiting the house of the deceased while covering their faces, seemingly in an attempt to conceal their identity. Lastly, as per the CDR analysis, the locations of all the accused persons, including the present applicant, were found near the place of the incident at the relevant time.

11. Since the present case involves commission of offence under Section 302 of IPC, it shall be apposite to take note of the decision of Hon'ble Supreme Court in ***Vijay Kumar v. Narendra & Ors.***: (2002) 9 SCC 364, wherein the factors to be taken into consideration while adjudicating a bail application were discussed. The relevant extract of the decision is set out below:

"10. ...The principle is well settled that in considering the prayer for bail in a case involving serious offences like murder, punishable under Section 302 IPC, the court should consider the relevant factors like the nature of the accusation made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, and the desirability of releasing the accused on bail after the have been convicted for committing the serious offence of murder...".



12. In *X v. State of Rajasthan & anr: SLP (Crl) No. 13378/2024*, the Hon'ble Supreme Court observed that ordinarily, once the trial commences and prosecution starts examining witnesses, the Court should be loath in granting bail to accused persons in serious offences like rape, murder, dacoity, etc.

13. Thus, considering the overall facts and circumstances, the gravity of the offence, the nature of the evidence collected, and the fact that the trial is at a crucial stage, with all material witnesses yet to be examined, it would not be appropriate to grant bail to the present applicant at this juncture.

14. Accordingly, the present bail application is dismissed.

15. It is, however, clarified that nothing expressed hereinafter shall tantamount to an expression on the merits of the case

16. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 4, 2025/ns

[Click here to check corrigendum, if any](#)