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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2435/2025**

MOHD. KHALID

.....Petitioner

Through: Mr. Pran Krishna Jana,
Advocate.

versus

STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Ms. Richa Dhawan, APP for the
State with SI Vikrant, PS –
Amar Colony.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **24.09.2025**

1. Applicant herein seeks grant of regular bail in case FIR No.1211/2015 dated 13.11.2015 for the alleged offences punishable under Sections 302, 394 and 34 of IPC at Police Station Amar Colony.

2. The case of the prosecution as per the status report is that on 13.11.2015, on a PCR call police reached H. No. B-186, East of Kailash, Delhi, where the two senior citizens (husband and wife) were found dead by CAT ambulance staff. The crime team, CFSL, and dog squad were called, exhibits and chance prints were lifted, and the dead bodies were shifted to mortuary for post-mortem.

2.1 The statement of Sanjay Madan, son of the deceased, was recorded wherein he stated that his parents, Smt. Vimla Madan (79) and Sh. Manohar Lal Madan (85), lived on the ground floor, while he stayed on the first floor with his daughter and his elder brother Ashwani stayed on the second floor. On 12.11.2015, he returned home



around 7:00 P.M., spent some time with his parents, then had dinner with his daughter and slept. At around 2:00 A.M., an unknown person flashed a mobile torch at his face, asked an associate to run, and both fled downstairs.

2.2 On checking, Sanjay found his parents dead with hands and legs tied, his father gagged and strangled, and the cupboard open with items scattered. He woke his brother, his daughter called the police, and it was found that locks on the main gate and terrace were broken and the terrace room ransacked. Forced entry was made through a broken service window of the kitchen, and tobacco was spat at several places.

2.3 On these facts, FIR No. 1211/2015 under Sections 302/34 IPC was registered. During investigation, a site plan and photographs were taken, exhibits were sent to FSL, and CFSL provided chance print reports. On 14.11.2015, secret information led to the arrest of Md. Dilshad @ Raja and Mohd. Ahmed @ Hema at Sarai Kale Khan, followed by arrests of Narender @ Sanjay, Mohd. Khalid @ Datu, and Mohd. Maqsood.

2.4 They confessed to the crime, were taken to the scene, and stolen articles were recovered and identified in TIP by Sanjay and Ashwani Madan. Dilshad disclosed that Hema conceived the plan for the crime, Dilshad and Narender did recce, Khalid and Maqsood joined later, and on 12.11.2015 they assembled at Buapur Ghaziabad, reached East of Kailash at midnight, entered the house, restrained the elderly couple and ransacked rooms. While, Narender and Khalid restrained the victims, Maqsood tied them, Hema hit the old lady on the head, and



they fled after being noticed by Sanjay.

2.5 Fingerprints matched Narender and Dilshad, CDRs confirmed Narender used the deceased's stolen phone, and ossification tests proved all accused were above 18 years old. Robbed articles were recovered from each accused: Dilshad (gold bangle, Rs. 2000), Hema (mangal sutra, Rs. 1500), Narender (gold chain, earring, locket, silver kada, Rs. 1880), Khalid (gold bangle, silver tika, Rs. 2030), Maqsood (gold chain, chitkis, pazeab, ring, coin, Rs. 1930). CDR analysis confirmed connectivity of all accused, and Narender used the deceased's phone IMEI with his SIM.

2.6 Since the five accused with common intention committed murder and robbery, charges were converted to Sections 396/302/412/34 IPC.

2.7 The charge sheet was filed, and 30 out of 38 witnesses were examined, with 29 plus one court witness later examined.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would *inter alia* argue on the lines of grounds pleaded in the application urging that The Applicant has already undergone 6 years and 7 months of incarceration, including initial custody from November 2015 and re-arrest in 2025, yet the trial is incomplete, violating his right to a speedy trial under Article 21. There has been no delay attributable to the Applicant, who has fully cooperated, while delays were caused by the prosecution's failure to secure witnesses such as FSL experts and medical personnel.

4.1 The alleged recovery of a gold bangle and cash is vague,



uncorroborated by independent witnesses, and inadmissible under Section 27 of the Evidence Act.

4.2 Reliance on mobile tower locations is insufficient to prove presence at the crime scene, especially since the robbed mobile phone was never recovered.

4.3 The chargesheet does not attribute any direct act of violence to the Applicant, with co-accused Narender @ Sanjay and Mohd. Maqsood (declared P.O.) being the main perpetrators. No further recovery is to be effected from the Applicant, nor can he tamper with evidence, and he is willing to cooperate with the investigation whenever required.

4.4. Applicant has clean antecedents, only 29 years old, and has a chance of reform. He has a strong prima facie case, and denial of bail would cause him irreparable harm. He is not required for further investigation or custodial interrogation. The Applicant comes from a very poor family, is the sole breadwinner responsible for his elderly parents, wife, two minor children, wife, with the family facing starvation due to financial crisis. He is a peace-loving, law-abiding citizen who supports his family through hard work, and prolonged incarceration risks exposing him to hardened criminals, jeopardizing his reformation.

5. Having heard and upon perusal of the report dated 18.08.2025 which has been filed by the prosecution, it is borne out that on an earlier occasion when the applicant along with the other co-accused were extended the benefit of interim bail, he rather misused the same and did not surrender as per the terms and conditions and jumped the



bail. One of the primary purposes of granting the concession of bail during pendency of the trial is to secure the presence of the under trial.

6. In fact, it transpires that the three co-accused had earlier jumped bail.

7. Moreover, instant is a case where allegations of the most heinous crime, i.e. double murder are leveled against the application and the possibility of his thus absconding from the trial proceedings cannot be ruled out. Therefore, it does not appear to be case of bail despite long incarceration. There are other reasons too, as stated hereinafter.

8. The arguments canvassed by learned counsel for the applicant do not hold merit as the gravity of the offence, involving a brutal double murder and dacoity, far outweighs plea for bail in the case in hand.

9. The contention of prolonged incarceration and violation of Article 21 is untenable since the complexity of the case, multiple accused, and numerous witnesses naturally prolong the trial, and delay cannot override the seriousness of the charges.

10. The alleged absence of recovery is incorrect as stolen articles were in fact recovered from the Applicant and duly identified, and the admissibility of such evidence is to be tested during trial, not at the stage of bail. Reliance on CDRs and tower locations forms a crucial link in the chain of circumstances and cannot be brushed aside at this stage.

11. The argument that no direct act of violence is attributed to the Applicant is misconceived as he is equally liable under Section 34 IPC



for offences committed in furtherance of common intention.

12. As noted, previous conduct of absconding and jumping bail, which led to issuance of NBW and his re-arrest, shows that applicant cannot be trusted to attend trial punctually, rendering his present undertakings hollow.

13. Sympathy-based pleas of family members' sufferings cannot dilute the gravity of the charges or justify release in a case where an elderly couple was murdered in cold blood. The risk of abscondence, tampering with witnesses, and subversion of trial is real and imminent if bail is granted.

14. Furthermore, it transpires that all the witnesses, who have been examined so far, have stood by their testimony which has remained unimpeached and in view of that, even the trial at the fag end and, therefore, the applicant may not present himself during the proceedings in view of the material that has been unearth against him.

15. In light of aforesaid, therefore, I see no grounds to grant any concession. Accordingly, the bail application is dismissed.

16. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case, and the trial shall proceed without being influenced either way by the same.

ARUN MONGA, J

SEPTEMBER 24, 2025

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