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

+ **BAIL APPLN. 2592/2025 & CRL.M.A. 20194/2025**

DINESH

.....Petitioner

Through: Mr. Akshay, Mr. Ankit Sharma and
Mr. Mukul Lakra, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **16.07.2025**

1. The present bail application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 read with Section 482 of the Code of Criminal Procedure, 1973²) seeks regular bail in FIR no. 1674/2014 dated 18th December, 2014, registered for the offences under Sections 302 and 34 of the Indian Penal Code, 1860³ as well as Sections 25, 27, 54 and 59 of the Arms Act, 1959⁴ at P.S. Narela, Delhi. Subsequently, a chargesheet has also been filed *qua* the Applicant under Sections 302 and 34 of the IPC and Sections 25 and 27 of the Arms Act and the trial proceedings are underway.

2. Briefly, the case of the prosecution as per the reply to bail application

¹ "BNSS"

² "Cr.P.C."

³ "IPC"

⁴ "Arms Act"



of the Applicant, filed by the Investigating Officer before the Trial Court, is as follows:

2.1 On 17th December, 2014, a PCR call, recorded *vide* DD No. 105B, was received at P.S. Narela, regarding an incident involving shooting of a lady by three boys. The said DD was entrusted to SI Aadesh for investigation. When he reached the spot, he found a lady named Premwati w/o Late Ram Kumar lying injured on a cot. She was immediately moved to hospital where she was declared “brought dead with alleged gunshot injury” *vide* MLC No. 4145/20.

2.2. Subsequently, the District Crime Team inspected the crime scene and the statement of an eye-witness, the minor daughter of the deceased, namely Geeta was recorded. In her statement, Geeta stated that on 17th December, 2014, between 9:00 PM and 10:00 PM, while she was at home with her mother, the Applicant, Dinesh Mathur who is also her brother-in-law, entered the house accompanied by two associates. He then overpowered her mother, alleging that she had falsely implicated him in a rape case. Thereafter, the assailants began hitting her mother with kicks and blows as well as with the butt of a pistol and fired a gunshot at her mother. When she tried to save her mother, she was also beaten up by the accused persons.

2.3 Geeta stated that the Applicant had committed rape on her on 2nd October, 2014 and in this regard, she had filed a case against him in P.S. Kanjhawla. She disclosed that the Applicant was pressurising her mother to compromise on the said case and take it back, however, when she refused, the Applicant, along with his associates, shot and killed her mother. Geeta further stated that she can identify the associates of the Applicant, the other two accused persons, implicated in the case. On the basis of her statement,



the subject FIR was registered and investigation was taken up.

2.4 During investigation, the site plan was prepared and exhibits such as blood, blood-stained clothes, lead piece, an empty shell and a live cartridge were recovered and sent to the Forensic Science Laboratory⁵. The post mortem of the deceased was conducted wherein the doctor opined that the cause of death was due to crania cerebral damage consequent upon a firearm ammunition injury to the head, which is sufficient to cause death in the ordinary course of nature.

2.5 On 26th February, 2015, the Applicant and co-accused Jitender @ Bantu were arrested in Sonapat by the Haryana Police in relation to another case - being FIR No. 27/2015 under Sections 186, 307, 353, 412, 420, 473 and 34 of IPC as well as under Sections 25 and 27 of the Arms Act at P.S. Mohana, Distt Sonapat, Haryana. During their arrest, the accused persons disclosed as to their involvement in the present case. Further, two pistols were recovered from the Applicant and one pistol, along with 5 live rounds was recovered from the co-accused Jitender @Bantu by the Haryana Police. Subsequently, on 26th March, 2015, the Applicant was formally arrested.

2.6 The recovered exhibits were sent to FSL Madhuban for analysis, and the results have come back wherein the cartridge recovered from the scene of the crime has been matched with the recovered firearms. The chargesheet in the present case has been filed and the trial is ongoing, wherein multiple witnesses have been examined.

3. Counsel for Petitioner raises the following grounds for seeking bail:

3.1 The Applicant has been falsely implicated and had no role in the commission of the alleged offence. The prosecution's case hinges solely on



the statement of Geeta, the daughter of the deceased, recorded under Section 161 of the Cr.P.C. However, Geeta passed away during the pendency of the trial, before her examination-in-chief could be recorded. In the absence of her deposition being tested on oath, the evidentiary value of her statement is rendered inadmissible for proving the offence. There is no other substantive material brought on record to connect the Applicant with the crime. Consequently, the very foundation of the prosecution's case stands seriously eroded.

3.2 The Applicant has remained in custody since 26th March, 2015, and has, thus, undergone more than ten years of incarceration as an undertrial. Despite such prolonged custody, the trial has made negligible progress. Only 13 witnesses have been examined thus far, with over 20 prosecution witnesses yet to be examined, which clearly reflects the slow pace of trial. In these circumstances, continued incarceration would constitute a violation of the Applicant's fundamental right to a speedy trial under Article 21 of the Constitution of India. Prolonged pre-trial detention, in the face of such delay, defeats the very object of criminal justice and warrants the Applicant's release on bail.

3.3 Furthermore, the other co-accused persons, i.e., Rahul @ Baniya and Jitender @ Buntu, whose are implicated in the present case on identical footing, have been granted bail by the Trial Court and therefore, the Applicant should be granted bail on the ground of parity.

3.4 As regards the other pending criminal cases against the Applicant, reliance is placed on the judgement of the Supreme Court in **Prabhakar**

⁵ "FSL"



Tiwari v. State of Uttar Pradesh⁶ to urge that the pendency of other criminal cases against the accused cannot be the sole basis for rejection of bail and in such cases, the Court must take a holistic view of the facts and circumstances of the case.

4. On the other hand, Mr. Mukesh Kumar, APP for the State, strongly opposes the present bail application on the following grounds:

4.1 The Applicant has been implicated in a grievous and serious offence regarding the cold-blooded murder of the mother of a minor, while the Applicant was forcing her to compromise on the rape case registered against him.

4.2 While the prosecution's primary witness, Geeta (the daughter of the deceased), has since passed away, the State has sufficient material, collected during investigation, to sustain the charges against the Applicant. The case is not dependent solely on her statement, and other credible evidence is available to establish his complicity.

4.3 The trial is already underway and has observed the examination of a substantial number of prosecution witnesses. Therefore, the Applicant's release at this stage may compromise the continuity and integrity of the proceedings.

4.4 The Applicant is a habitual offender, and stands implicated in as many as 19 other cases, several involving grave offences *inter-alia* under Sections 302, 304A, 307 and 376 of the IPC as well as provisions of the Arms Act. Enlarging such an individual on bail would pose a serious threat to public safety and the orderly conduct of trial. There exists a strong apprehension that the Applicant may abscond, tamper with evidence, or influence

⁶ (2020) 11 SCC 648



witnesses if released.

5. The Court has carefully considered the rival submissions. It is true that the Applicant has remained in custody for over a decade as an undertrial. This prolonged incarceration has been accorded due weight, particularly in light of the constitutional guarantee under Article 21 of a fair and speedy trial. Nonetheless, this consideration cannot be viewed in isolation. The allegations in the present case pertain to a particularly heinous and brutal offence, the deliberate and cold-blooded murder of a woman, committed allegedly in the presence of her minor daughter, who was also the Prosecutrix in an earlier case of sexual assault involving the Applicant. The gravity and depravity of the accusation weigh heavily against the grant of bail. It is trite law that at the stage of grant of bail, the Court must keep in mind several factors relating to the case, such as – whether there is any *prima facie* reasonable ground to believe that the accused has committed the offence, the nature and gravity of the accusation, severity of potential punishment, risk of the accused absconding or fleeing if released on bail, the likelihood of the offence being repeated, etc⁷.

6. The statement of the deceased eye-witness, Geeta (recorded under Section 161 of the Cr.P.C.) specifically attributes to the Applicant the act of firing upon the victim and pressuring her to withdraw an earlier case lodged against him. That earlier case, it is alleged, pertained to the Applicant having committed rape on Geeta herself, who was then a minor and is also the daughter of the deceased. Though Geeta unfortunately passed away before her testimony could be recorded during trial, the prosecution contends that they have other material evidence to substantiate its case. In particular, the



State has pointed to the forensic analysis, which confirms that the firearm recovered from the possession of the Applicant matches the cartridge recovered from the crime scene. This forensic link, according to the prosecution, offers a *prima facie* corroboration of the Applicant's involvement in the incident. The absence of testimony from the sole eye-witness, no doubt, imposes a higher burden on the prosecution. Nevertheless, whether the remaining evidence, circumstantial and forensic – is sufficient to establish the guilt of the Applicant beyond reasonable doubt, is a matter to be adjudicated upon full appreciation of evidence during trial. At the present stage, however, the material on record cannot be brushed aside as insufficient.

7. What weighs significantly with this Court is the Applicant's prior involvement in as many as 19 other criminal cases, several of which pertain to grave and heinous offences under the Indian Penal Code, including those punishable under Sections 302, 304A, 307 and 376 of IPC and various sections of the Arms Act. The list of such cases, as furnished by the Investigating Officer and placed on record before the Trial Court, reveals a consistent pattern of serious criminal conduct and a sustained engagement with the criminal justice system. The details are as follows:

⁷ *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* (2010) 14 SCC 496



District	PS	Fir No/Year	Under Section	Status (Period/FineAmount)	Status Date
ROHINI	KANJHAWLA	0169 / 2009	279/337		
ROHINI	KANJHAWLA	0036 / 2013	304A		
ROHINI	KANJHAWLA	0015 / 2013	307/308/323/452/34 IPC & 25 A.ACT		
ROHINI	KANJHAWLA	0027 / 2013	195A/336/427/506/34		
ROHINI	BEGUM PUR	0184 / 2013	384/386/506/34	ACQUITTED	28/01/2014
ROHINI	BEGUM PUR	1335 / 2014	392/307/302/34 IPC&25/27 ARMS ACT		
OUTER NORTH	NARELA	1674 / 2014	302/34 IPC 25/27/54/59 ARMS ACT		
ROHINI	KANJHAWLA	0961 / 2014	379/411 IPC		
ROHINI	KANJHAWLA	0960 / 2014	307/34 IPC		
ROHINI	KANJHAWLA	0787 / 2014	376 IPC&4 POSCO		
OUTER DISTT. *	RANHOLA	0116 / 2015	392/411/452/34 IPC & 25/27 ARMS ACT		
OUTER DISTT.	MUNDKA	0081 / 2015	302/307/34 IPC & 25/27/54/59 A. ACT		
OUTER NORTH	ALIPUR	0002 / 2019	387/506/120B34 IPC		
ROHINI	BEGUM PUR	0069 / 2019	302 IPC&25/27 ARMS ACT		
OUTER NORTH	ALIPUR	0419 / 2019	387/506/34 IPC		
ROHINI	NORTH ROHINI	0308 / 2020	387/120B IPC		
OUTER NORTH	ALIPUR	0062 / 2021	302/34 IPC & 25/27 A.ACT		
NORTH DIST	BURARI	0691 / 2022	302/120B/506/34IPC		
SPECIAL CELL	SPECIAL CELL PS	0217 / 2024	25 ARMS ACT		

8. The Applicant's profile, viewed in light of his past record, unmistakably points to habitual criminality. While the prolonged incarceration of the Applicant, spanning over a decade, is undoubtedly a material consideration, it cannot be treated as determinative in isolation, especially when weighed against the larger concern of public safety and the administration of justice. The serious nature of the offence, allegedly involving the calculated killing of the mother of a Prosecutrix, further compounds the apprehension that, if released on bail, the Applicant may misuse the liberty to subvert the trial, influence witnesses, or evade due process.

9. In the considered view of this Court, the overall facts and cumulative circumstances of the present case do not justify the grant of bail to the Applicant. Accordingly, the present application is dismissed, along with any



pending applications.

JULY 16, 2025
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SANJEEV NARULA, J