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

+ **BAIL APPLN. 3228/2025 & CRL.M.A. 25008/2025**

RAJBIR

.....Applicant

Through: Ms. Damanjit Kaur, Adv.

versus

STATE THROUGH SHO PS JYOTI NAGAR AND LD
PUBLIC PROSECUTOR

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State.
SI Pankaj Kumar, PS Jyoti
Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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26.09.2025

1. The present application is filed by the applicant seeking regular bail in FIR No. 304/2019 dated 05.09.2019, registered at Police Station Jyoti Nagar, for offence under Section 302 of the Indian Penal Code, 1860 ('IPC').
2. The brief facts are that a DD entry was registered on receipt of a phone call whereby the caller stated that his mother has been murdered by his elder brother. On reaching the alleged place of incident, the victim's son, namely, Mahender stated that he suspects that someone has murdered his mother.
3. The FIR was registered on 05.09.2019. The applicant was thereafter arrested on the same date. It is alleged that the applicant along with his son has committed the alleged crime. It is alleged that the victim was the mother of the applicant and had filed proceedings under Section 125 Code of Criminal Procedure, 1973 seeking maintenance from the applicant.



4. It is alleged that the applicant due to order passed by the Court directing him to pay maintenance amount to his mother was aggrieved by the same since other brothers were not directed to pay the maintenance amount which led to an acrimony and the consequent murder of the victim.

5. It is alleged that the son of the applicant strangled the victim, whereas the applicant held the victim's legs during the act. It is alleged that the blood samples and nail clipping from the deceased were sent to the FSL for DNA examination and as per the report, the DNA of the son of the applicant was found on the nail clipping of the deceased.

6. The prosecution has based its case on the circumstantial evidence to the extent that no one has witnessed the commission of the alleged crime. The allegations against the applicant, at this stage, are supported by the disclosure statement of the CCL (son of the applicant) as well as the alleged motive as noted above.

7. It is pertinent to note that all the public witnesses have been examined and it is undisputed that no witness has supported the case of the Prosecution.

8. The applicant is stated to be in custody since 05.09.2019 and at this stage, almost 20 witnesses are still remaining to be examined. The trial is thus not likely to conclude in near future. The applicant has spent a substantial period of time in custody. He cannot be made to remain in custody for an endless period of time when the trial is not likely to conclude in near future. The allegations against the applicant will be proved after the evidence is led and cannot be assumed with certainty at this stage.

9. In view of the aforesaid discussion, the applicant is



admitted on bail and is directed to be released on furnishing a personal bond for a sum of ₹20,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

10. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

11. It is clarified that any observations made in the present order are 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.

12. The bail application is allowed in the aforementioned



terms. Pending applications also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 26, 2025

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