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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4156/2024

ARVVIND KUMAR SINGH

.....Petitioner

Through: Mr. Manish Kumar, Mr. Saurabh, Mr.
Raghav Vij, Ms. Pallavi Sharma, Mr. Pratham,
Adv.

Versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP
Insp. Jaspal Singh, PS Burari

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

13.01.2025

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1. This is an application seeking bail in the FIR No. 59/2019 registered at PS Burari under Sections 302/365/34 of IPC.
2. As per the FIR, it is stated that the father of the complainant was taken away by the accused persons, including the applicant on 16.02.2019. Thereafter, the dead body of the father of the complainant was found on 18.02.2019.
3. It is stated by Mr. Kumar, learned counsel for the applicant that in the present case, the allegations against the applicant are based on the "last seen theory."
4. He states that the applicant has been in custody for a period of about 4 years 8 months and 28 days. As of today, only 14 witnesses out of 45 witnesses have been examined.



5. Mr. Singh, learned APP opposes the bail on the ground that the last bail applications filed by the applicant were withdrawn on 03.04.2024 and thereafter on 22.10.2024. Since then, there are no changes in circumstances.
6. Lastly, learned APP states that the complainant has seen the deceased being taken away by the applicant.
7. In the present case, admittedly, the applicant is an under-trial prisoner and has undergone 4 years 8 months 28 days of incarceration.
8. The guilt is yet to be established against the applicant. There is no eye witness to the incident and the case against the applicant is based on last seen/circumstantial evidence.
9. The applicant has clean antecedents and there are no other criminal cases pending against the applicant.
10. The applicant was granted interim bail from 10.07.2021 to 10.04.2022 and did not misuse the said liberty.
11. Lastly and importantly, only 14 out of 45 witnesses have been examined and there seems to be no likelihood that the trial will be concluded in the near future.
12. Reliance is also well placed on the judgment of this court in ***Ajay vs. State NCT of Delhi***, 2024 SCC OnLine Del 3730. The relevant portion of the judgment reads as under:-

“14. Apart from the merits of the case, it cannot be overlooked that the petitioner is in custody for approximately 03 years and 05 months and there is no possibility of the trial being concluded any time soon, inasmuch as out of 32 witnesses cited by the prosecution, about 20 witnesses have been examined till date. At this stage, there is also a



presumption of innocence in favour of the petitioner and in the given circumstance the petitioner cannot be kept in custody to await the outcome of trial, the conclusion of which is likely to take long time.”

13. I am of the view that from 03.04.2024 till date, more than 8 months have been elapsed and that in itself is a change of circumstances.
14. For the said reasons, I am inclined to allow the present bail application and the applicant is directed to be released on bail on the following terms and conditions:-
 - (a) The applicant shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the concerned Trial Court;
 - (b) The applicant shall provide his mobile number to the concerned IO, which shall be kept in working condition and switched on at all times. The petitioner shall also provide his permanent residential address and in case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned IO as well as to the concerned Court;
 - (c) The applicant shall not leave the country without permission of the concerned Court during the bail period and surrender his passport, if any, at the time of release before the concerned Court;
 - (d) The applicant shall not directly/indirectly try to get in touch with any prosecution witnesses or tamper with the evidence.
15. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.
16. The Status Report and Nominal Roll handed over in Court today are



taken on record.

17. The present bail application is disposed of in the aforesaid terms.

JASMEET SINGH, J

JANUARY 13, 2025 / (MS)

Click here to check corrigendum, if any