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

+ **BAIL APPLN. 4382/2024**

SANJAY KUMAR

.....Petitioner

Through: Mr. Zeeshan Diwan, Adv. (DHCLSC),
Mr. Harsha and Mr. Akshat Jain,
Adv.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
along with Inspector Sunny Kumar
P.S. Rajinder Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
14.05.2025

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1. The present application under Section 439 of the Cr.P.C. (Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023) seeks regular bail in case FIR No. 10/2016, under Sections 302/396/412/201/120B of the IPC registered at P.S. Rajinder Nagar, Delhi.
2. The case of the prosecution as per the status report dated 15.04.2025, authored by Inspector Rajender Singh, SHO, P.S. Rajinder Nagar handed up in Court is that on 10.01.2016, a PCR call *vide* DD No. 11-A was received at 09:52 A.M. at P.S. Rajinder Nagar regarding an unconscious child and a lady, whose hands are tied at House No. 6/72, Third Floor, Old Rajinder Nagar. On receiving the said call, concerned police officers of P.S. Rajinder Nagar reached the spot and upon inspection of the scene of crime, a total of three



dead bodies were found inside the house. The female dead body was identified as Jyoti Kumari, wife of Sanjay Kumar, and the male bodies were identified as Pawan Kumar son of Sanjay Kumar, and Sanjay Kumar son of Lala Rama. During investigation, the household articles were found scattered and the Crime Team and CFSL (CBI) visited and inspected the spot and, thereafter, the present FIR was registered.

3. During investigation, autopsy was conducted on the dead bodies and it was opined that the cause of death with respect to deceased Sanjay Kumar was due to *asphyxia* as a result of ligature strangulation, and the cause of death of Jyoti Kumari was due to *asphyxia* as a result of the combined effect of smothering and strangulation and case of death with respect to Pawan Kumar was a result of *asphyxia* by strangulation by ligature.

4. During investigation, the details of mobile number 9711385721 of deceased Sanjay were analyzed and it was revealed that he received the last call on his mobile from the phone number 9716311785. The call records were further analyzed and from the call records of the deceased, technical surveillance of one mobile number 9990127423 was carried out. As per the case of prosecution, the aforesaid mobile number belonged to one Rajan Singh @ Abhishek @ Dewan, who was then interrogated and he disclosed his involvement in the case along with eight other accused persons including the present applicant. Accordingly, the present applicant was arrested on 13.01.2016. The chargesheet in the present case has been filed against nine accused persons including the present applicant.

5. Learned counsel appearing on behalf of the applicant submits that the applicant is in judicial custody since 17.01.2016. It is stated that the evidence *qua* the present applicant is based on the disclosure statement of the co-



accused persons. It is further stated that the applicant has been released previously on two occasions under the HPC Guidelines, as well as on interim bail once from 26.10.2024 to 02.11.2024 and he has not misused the liberty granted to him. It is pointed out that the prosecution has cited 53 witnesses and 38 witnesses have been examined so far.

6. Learned APP from the instructions of the Investigating Officer has handed up in Court a supplementary status report dated 12.05.2025 authored by Inspector Rajender Singh, SHO, P.S. Rajinder Nagar, wherein, it has been stated that the recovery of Rs. 2000/- was effected from the present applicant. It is also stated that the name of applicant had emerged in the voice recording from the phone of co-accused Rajinder @ Raju, in which it is reflected that the latter is asking about the present applicant at the time of commission of offence. The transcript has been annexed with the status report.

7. Heard learned counsel for the parties and perused the record.

8. Apart from the alleged recovery of Rs.2,000/- from the applicant which could not be connected by way of any evidence with the looted amount from the house, the evidence *qua* the present applicant at this stage is the disclosure statement of co-accused persons. The mention of applicant's name in the transcript at this stage does not *prima facie* reflect his presence at the spot on the date of incident. Be that as it may, the same is a matter of trial which will be dealt with by the learned Trial Court at the time of final decision of the case *qua* the present applicant.

9. As per the nominal roll dated 03.02.2025, the applicant has been in custody since 17.01.2016 and as on 02.02.2025, he has already undergone incarceration for a period of 6 years 4 months and 27 days. It is further reflected in the nominal roll that the applicant was released on HPC



Guidelines previously, on two occasions i.e., from 17.06.2020 to 18.03.2021 and, thereafter, on 03.06.2021 to 18.04.2023. It is further stated that he has been released on interim bail on 26.10.2024 to 02.11.2024. Admittedly, the applicant has not misused the said liberty granted to him.

10. In the totality of facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 15,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
11. The application is allowed and disposed of accordingly.
12. Pending application(s), if any, also stand disposed of.
13. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
14. Copy of the order be sent to the concerned Jail Superintendent for



necessary information and compliance.

15. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 14, 2025

ssc/sc

Click here to check corrigendum, if any