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

+ **BAIL APPLN. 4771/2024**

AMIT SINGH BHANDARI @ AMIT PAL

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Harish Chand
Mr. Prashant, Mr. Anant Chittoria,
Mr. Deepak Ahlawat, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with Insp Vijay Singh, PS Kapashera.
Mr. Vijay Kasana, Mr. Anurag Tomar
Mr. Vishal Chaudhary, Mr. Ankit
Kumar, Advocates for complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

24.01.2025

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BAIL APPLN. 4771/2024

1. The present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of regular bail in case arising out of FIR bearing no. 409/2015 dated 22.09.2015, registered at Police Station Kapashera, Delhi, for offences under Sections 302/397/411/120B/34 of the Indian Penal Code, 1860 ('IPC').

2. Briefly stated, the facts of the present case are that the present FIR came to be registered on receipt of DD Number 18-A and 19-A. On



22.09.2015, wherein it was revealed that a lady Bimla Devi had been stabbed, and had been taken to the hospital by her son. During investigation, the statement of the son of the deceased Bimla Devi was recorded who had informed the police official that he has been living with his wife on rent for last one month. On 22.09.2015, at about 10:50 am, he had gone to visit his mother, and had found that her mother was lying on the bed, and was not responding. He had tried to wake her up, and found that the mouth of his mother was tied, and there was blood all over her face. He had called his friend, their tenants and local shopkeepers. It was also found that the legs and hands of the deceased Bimla Devi were also tied. The deceased was taken to the hospital where she was declared brought dead. Accordingly, the present FIR was registered under Section 302 of IPC at P.S. Kapashera, Delhi. The investigation had further revealed that one eye witness 'N' had seen two boys coming out of the gate of the house of the deceased at about 10:15 am. The eye witness had also given the description of the two boys to the police officials. It was also revealed during investigation that cash amount of Rs.30,000/-, a camera, mobile phone of the deceased, a pair of gold earrings, bangles, gold ring, and some other articles were missing from the house of the deceased. During investigation, the accused persons were arrested.

3. Learned counsel appearing on behalf of the applicant/accused herein states that the accused is in judicial custody for last about 6 years 7 months, and out of 43 witnesses only 26 witnesses have been examined. It is therefore stated that it is a matter of personal liberty of the applicant, and trial may take time to conclude. Thus, the present applicant/accused be enlarged on bail.



4. Learned APP for the State and the learned counsel for the complainant, on the other hand, states that there is sufficient evidence on record against the present applicant/accused of not only hatching the conspiracy. It is further stated that the mobile phone of the deceased also recovered from the present applicant/accused. It is also stated that after co-accused has been arrested at the instance of the present accused/applicant. Learned counsel also stated that the CDR analysis of the present applicant/accused revealed that the location of the present applicant/accused was of the place of the incident. It was further revealed that the applicant/accused was in constant touch with the co-accused persons. It is thus, prayed that the present bail applicant be dismissed.

5. This Court has heard arguments addressed on behalf of both the parties, and has perused the material available on record.

6. The specific allegations against the present accused/applicant are that the accused herein had conspired with the co-accused Ashwini who had further hired two accused Ajju and Chhutan, who had committed the offence in question.

7. This Court notes that the bail application of the present applicant/accused came to be rejected by this Court *vide* an order dated 06.10.2023. It is noted that the applicant herein has been identified by the husband of the deceased, who has been examined as PW-1 who had stated that the applicant/accused was the tenant of the deceased and was missing from the premises, 10 to 15 days prior to the date of incident. The witness had also identified co-accused Ashwini as the person who used to visit the present applicant/accused in the rented accommodation. The co-accused Ashwini was also identified by PW-9 Nitin, as he was seeing coming out



from the house of the deceased on the date of the incident. The location of the mobile phones of the co-accused persons, and the present applicant/accused as well as the call detailed records also points out that the co-accused persons were in constant touch with each other, on the date of the incident. The recovery of the mobile phone of the deceased has also been affected from the present applicant/accused.

8. Therefore, considering the seriousness of the offence and the nature of allegations, the condition in which the deceased was found lying at her residence, no ground for bail is made out.

9. Accordingly, the present bail application is dismissed.

10. This Court also notes that the Trial in this case is pending for last about 9 years, and the accused is in custody for more than 6 years. It is also noted that 23 witnesses still remain to be examined, though material witnesses stands examined already. It is now directed that the learned Trial Court will make every endeavour to ensure that the remaining witnesses are examined by giving shorter dates within a period of six months, from the date of receipt of this order, subject to the condition that the learned defense counsel and learned APP will not seek any unnecessary adjournments.

11. The application is accordingly disposed of.

12. It is, however, clarified that nothing expressed herein shall be construed as any expression on the merits of the case.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 24, 2025/KG

Click here to check corrigendum, if any