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

% *Reserved on : 27<sup>th</sup> November 2024*

*Pronounced on : 07<sup>th</sup> January 2025*

+ BAIL APPLN. 3337/2023 &

+ BAIL APPLN. 3400/2023

RAGHVENDR SINGH @ RINKU .....Applicant

Through: Mr. Pradeep Kumar Verma and  
Mr. B. Veeraswamy Raju,  
Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP for the  
State with SI Anup Rana, P.S.  
Paschim Vihar (West).

**CORAM:  
HON'BLE MR. JUSTICE ANISH DAYAL**

### **JUDGMENT**

**ANISH DAYAL, J.**

1. These bail applications have been filed seeking regular bail in the following FIRs:

- i. FIR No. 108/2019 dated 08<sup>th</sup> March 2019 registered under Sections 302/201/380/411/120B/34 Indian Penal Code, 1860 (“IPC”) at Police Station (“PS”) Paschim Vihar (West).
- ii. FIR No. 109/2019 dated 09<sup>th</sup> March 2019 registered under Sections 302/201/120B/34 IPC at PS Paschim Vihar (West).



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### Investigation

2. As per the case of the prosecution, on 08<sup>th</sup> March 2019, a PCR call *vide* Diary No. 39-A was received at PS Paschim Vihar (West) informing about a dead body in a waste drain near Village Sayyed Nangloi; police staff reached at the spot where dead body of a female was found in a bag/suitcase; body was inspected; and FIR 108/2019 was registered initially under Sections 302/201 IPC, pursuant to which investigation ensued.

3. On checking missing persons' records, the dead body was found to be of one Jagir Kaur, wife of Gurmeet Singh, resident of Nihal Vihar, Delhi whose missing report (*along with her husband's*) was filed 4 days prior i.e. on 04<sup>th</sup> March 2019 (*vide DD no. 30-A*) at PS Nihal Vihar. On further inspection of the drain, another dead body was found, that of a male, in a bag/suitcase. The second dead body was identified to be of Gurmeet Singh i.e. husband of the first deceased Jagir Kaur. Pursuant to the recovery of the second dead body, FIR 109/2019 was registered under Sections 302/201 IPC, which also triggered investigation.

4. During course of the investigation in these two FIRs, the daughter and son of the above said deceased persons namely Harjinder Kaur @ Anu and Mandeep Singh respectively were examined wherein they levelled allegations against their own sister Davinder Kaur @ Sonia and her paramour Prince Dixit @ Vikram (*main accused persons*) for murder of their parents. Harjinder Kaur @ Anu alleged that the main accused persons had a quarrel with the deceased persons over property; that on 10<sup>th</sup> February 2019, Jagir Kaur had gone to Jalandhar, Punjab due to the



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demise of her father; and that Gurmeet Singh was not seen by her since 18<sup>th</sup> February 2019. On 02<sup>nd</sup> March, Jagir Kaur returned to Delhi and went missing the next day i.e. 03<sup>rd</sup> March 2019 when the missing report was filed.

5. Harjinder Kaur @ Anju further alleges that, on checking their house, two motorcycles, gold jewellery of their deceased mother, property papers of the house, mobile phones of the deceased father, bank documents, and IDs of deceased persons were missing/stolen from their house.

6. *Post mortem* of deceased persons opined that death was caused by asphyxia due to *ante mortem* smothering in both cases. Investigating agency attempted to trace the main accused persons, however, they were found to be absconding.

7. On 10<sup>th</sup> March 2019, the main accused persons were arrested and as per the prosecution, disclosed that they were in a physical relationship and wanted to grab the property of her parents who were not happy with their relationship. Thus, they had conspired to kill the parents of Davinder Kaur @ Sonia, for which they also roped in co-accused Raghvender Singh @ Rinku (*applicant herein*) and one Diwakar on the pretext of giving Rs. 50,000/-.

8. According to the prosecution's narrative, on 17<sup>th</sup> February 2019, Davinder Kaur @ Sonia gave sleeping pills to the deceased Gurmeet Singh whereafter the applicant and Diwakar went into the house of the deceased persons, the applicant sat on the chest of deceased and



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smothered him with a sofa cushion, Prince Dixit held his hands, and Diwakar held the legs, whereafter Gurmeet Singh succumbed. Thereafter, Prince Dixit told Diwakar to meet him at a petrol station; Prince Dixit, Davinder Kaur and the applicant packed the dead body in a bag; and Prince Dixit and the applicant dumped it in a waste drain. Diwakar stole one mobile phone, the applicant stole another phone, Prince Dixit stole the watch of Gurmeet Singh and Davinder gave Rs. 50,000/- to the applicant, pursuant to which the applicant and Diwakar went to Lucknow.

9. Some days later, it is alleged that Prince Dixit contacted the applicant for also killing Jagir Kaur; the applicant contacted Diwakar who refused to commit another murder; whereafter all accused person except Diwakar killed Jagir Kaur in a similar manner on 02<sup>nd</sup> March 2019 and Davinder paid the applicant another Rs. 50,000/- and one set of her mother's earrings.

10. Applicant was arrested on 12<sup>th</sup> March 2019. During police custody remand, the applicant identified the house where the deceased were strangled to death as also the place where the dead bodies were dumped. On 14<sup>th</sup> March 2019, earrings of deceased Jagir Kaur and mobile phone of deceased Gurmeet Singh were recovered from the applicant's house at Gomti Nagar, Lucknow, UP. Other articles of the deceased persons were also recovered from co-accused persons.

11. Recovered articles have been identified by witness Pradeep in the Test Identification Parade ("TIP"). As per disclosure statement of the applicant, he had received money from the main accused persons.



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12. On completion of investigation, chargesheet in FIR 108/2019 was filed under Sections 302/201/120B/34 IPC against the main accused persons and the applicant and in FIR No. 109/2019 chargesheet was filed against the main accused persons, the applicant, and Diwakar under Sections 302/201/380/411/120-B/34 IPC.

13. Charges were framed under Sections 302/392/201/34 IPC by ASJ, Tis Hazari Courts, Delhi in FIR No. 108/2019 against the main accused persons and the applicant and in FIR No. 109/2019 against the main accused persons, the applicant, and Diwakar.

**Submissions on behalf of Applicant**

14. At the outset, counsel for applicant averred that the applicant has been falsely implicated solely on the basis of the confessional statement of the two main accused persons. No material evidence exists to implicate the applicant herein.

15. It was contended that the disclosure statements of both main accused are ridden with contradictions. As per their statements, they murdered their mother Jagir Kaur on 2<sup>nd</sup> March 2019 for which, they took the applicant's help. Apparently, the applicant aided Prince Dixit in disposing of Jagir Kaur's dead body – Prince Dixit drove the motorcycle while the applicant was the pillion rider holding the suitcase containing the dead body. Further, as per them, Davinder Kaur paid Rs. 50,000/- to the applicant along with an earring.

16. Above disclosure statements were refuted by counsel for applicant as on 2<sup>nd</sup> March 2019, he was not in Delhi; reference was made to the



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CDR showing the applicant to be in Lucknow, UP on the day of he incident.

17. Furthermore, the CCTV footage mentioned in the chargesheet shows a male driving a motorcycle with a female person as the pillion rider. Hence, the accusation that the applicant was the pillion rider does not come through.

18. The bank account statement of main accused Davinder Kaur shows that there was not more than Rs. 5,000/- in her bank account at the time of the crime or during the time the applicant's residence was searched. Thus, linking any recovery of money from the applicant's residence with the main accused persons is false and concocted.

19. The recovered dead body of Jagir Kaur had, as per the FIR, had a *rudraksh* around her neck, armlet/*taabiz* on the left arm, and black thread around the left wrist. She also did not have a nose piercing for any nose ring or ear piercings for earrings. Thus, the allegation of Davinder Kaur giving earrings to the applicant, supposedly belonging to the deceased Jagir Kaur, appears to be false.

20. As per the testimony of Pradeep Singh, son of the deceased persons who did the TIP, he was in Kuwait since 2017 and had not met his mother since the last 2 years, before the incident. It was argued that it is peculiar that despite Harjinder Kaur @Anju and Mandeep Singh were residing with their parents and had filed the complaint and missing report of their parents, prosecution has not called for them for TIP. Instead, Pradeep who had not met them for 2 years was called in for TIP, who



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also identified the earring seized from the applicant, supposedly belonging to the deceased Jagir Kaur. Reliance was placed on *Perumal Raja @ Perumal vs State* 2024 SCC OnLine SC 12 on the aspect of improper identification of the earring in light of Section 27, Indian Evidence Act, 1872.

21. It was contended that during the search of the applicant's house, no independent witness signed the seizure letter, and as for the applicant and his wife's signature is concerned, it is alleged that the same were taken on a blank sheet.

22. All material witnesses except Pradeep Singh have been examined in the trial. Also, the examination of Pradeep Singh has been delayed for 2 years, prejudicing personal liberty of the applicant unfairly.

23. Reliance was also placed on *Praveen Rathore v. State of Rajasthan* 2023 SCC OnLine SC 1268 whereby bail was granted on account of prolonged incarceration in a matter of bail of an accused charged with Section 302 IPC.

24. Applicant's counsel further argued that there was a business relationship between the applicant and the main accused Prince Dixit, and therefore, his presence in the city around the time of the incident was not unusual. On reaching Delhi, the applicant had called Prince Dixit many times demanding dues which were owed to him by the latter. It was submitted that since the amount was not paid, Prince Dixit falsely implicated the applicant.



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25. The counsel further relied upon the statement of Harjinder Kaur that between the period of 14<sup>th</sup> February to 2<sup>nd</sup> March 2019, she and Mandeep used to talk to their father on the phone and did not lodge a missing complaint because the response used to be in her father's voice, which she was able to recognize. Considering that the *post mortem* report has placed the time of death on 17<sup>th</sup> February 2019, the statement of Harjinder Kaur would belie any assumption that the father had been killed on 17<sup>th</sup> February 2019.

26. Applicant's counsel reiterated that the co-accused, Diwakar, had already been released on bail by a coordinate Bench of this Court by order dated 3<sup>rd</sup> March 2021, in ***BAIL APPLN. 27/2021*** titled ***Diwakar Singh v. The State (N.C.T. of Delhi)***. Co-accused Diwakar was similarly placed, even considering the purported disclosure statements of the main accused persons.

27. Applicant's counsel further submitted that the mobile set allegedly taken by the applicant was never recovered from his house. Moreover, the applicant has been in custody for more than 5 years and has a right to a speedy trial; around 70 witnesses are still left to be examined. Applicant belongs to a respectful family of Lucknow, UP and has no chance of absconding or fleeing from justice, and hence, sought bail.

#### **Submissions on behalf of State**

28. Mr. Amit Ahlawat, Additional Public Prosecutor ("APP") for the State, at the outset, contended that the crime alleged is of grave and serious nature.





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**29.** It was submitted that there is sufficient *prima facie* evidence to implicate the applicant. There was recovery of one earring of deceased Jagir Kaur and one mobile phone, belonging to deceased Gurmeet Singh at the instance of the applicant. CDR of the applicant showed him to be in regular touch with the main accused persons.

**30.** As per the counsel for applicant, the applicant and Diwakar came to Delhi on 17<sup>th</sup> February 2019, which was when Gurmeet Singh was killed. Several calls were made to the accused Prince Dixit around this period.

**31.** On the same day, the dead body of Gurmeet Singh was disposed of by Prince Dixit where he was riding the motorcycle and the applicant was a pillion rider. The CCTV footage of a male and female person on a motorcycle is of a different day i.e. 02<sup>nd</sup> March 2019.

**32.** The dead body of Gurmeet Singh was recovered on 09<sup>th</sup> March 2019 and his *post mortem* conducted on 11<sup>th</sup> March 2019 states approximate time of death to be 3 weeks prior. Harjinder Kaur had also stated that she had not seen her father since 18<sup>th</sup> February 2019, around the time the applicant was admittedly in Delhi.

**33.** TIP by Pradeep Singh of the nose ring and earrings confirmed that the said jewellery belonged to the deceased Jagir Kaur. Same was recovered at the instance of the applicant. Testimony of material witness Pradeep Singh is yet to be done before the Trial Court.

**34.** For all the above reasons, APP for the State opposed the applicant's bail plea.



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### Analysis

**35.** The main accused persons *viz.* Davinder Kaur @ Sonia and Prince Dixit were granted bail by this Court by judgment dated 24<sup>th</sup> December 2024 in **BAIL APPLN. Nos. 922/2023, 3633/2023, and 3554/2023, 2024:DHC:10000.** In the said judgment, this Court has assessed the contentions of the main accused in detail, and granted bail, particularly since they had been in custody for about five and a half years, the case rested purely on circumstantial evidence, and there were the various aspects which had come to light through the testimonies recorded thus far.

**36.** The applicant had approached the Supreme Court in SLP (Crl. 867-868/2022) against refusal by the High Court to grant bail by order dated 8<sup>th</sup> March 2021. The Supreme Court, while dismissing the SLPs, noted that the trial had still not commenced, and the applicant was at liberty to renew the request for bail after the trial commences and the examination of the material witnesses is completed. It is noted that only 7 out of 39 witnesses in FIR 108/2019 and 7 out of 44 witnesses in FIR 109/2019 have been examined. Therefore, even after 5 years, about 70 witnesses are yet to be examined.

**37.** All the material witnesses have been examined. The examination of the brother Pradeep, the son of the deceased, has been delayed consistently for a very long time. This is also noted in the Trial Court's order dated 9<sup>th</sup> October 2024 which was presented to this Court, stating that he will be visiting in the last week of December but since that was a long date, the trial cannot be halted for such a long time.



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38. As per the applicant's Nominal Roll, he has been in custody for more than five and a half years; has no previous involvement, and his jail conduct has been satisfactory.

39. As noticed in the judgement granting bail to the main accused persons, prosecution's case rests purely on circumstantial evidence. The bodies of the deceased husband and wife were found in a waste drain on 8<sup>th</sup> and 9<sup>th</sup> March, 2019 and were clearly decomposed. *Post mortem* report of Jagir Kaur dated 11<sup>th</sup> March 2019 noted the time of death was 8 days prior; report of Gurmeet Singh dated 11<sup>th</sup> March 2019 noted the time of death was approximately 3 weeks prior. The missing report was filed by Harjinder Kaur, daughter of the deceased, on 4<sup>th</sup> March 2019. However, she stated in her examination that she had not met her father since 14<sup>th</sup> February 2019. In the testimony, however, she stated that she did not lodge any complaint between 14<sup>th</sup> February 2019 and 2<sup>nd</sup> March, 2019 since she used to call her father and used to hear his voice from the other side, as recognized and recalled by her. The prosecution's case, therefore, that her father had been killed during that time, *prima facie* does not sit well with these facts.

40. The issue of the main accused persons' motive has also been assessed in the judgement granting them bail. The motive of allegedly killing the parents by Davinder Kaur @ Sonia along with Price Dixit was based upon the statement by her sister Harjinder Kaur that there was a quarrel over property. However, in the assessment of the contentions by the main accused, it transpired that there were several contradictions in the statement of Harjinder Kaur, particularly with the statements made



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by her brother Mandeep Singh. On the other hand, statements and allegations made by Harjinder Kaur had been brought into question considering there were circumstances which could have motivated her to implicate her sister Davinder Kaur falsely. In particular, statement of Mandeep Singh, the brother of Davinder Kaur, stated that their parents were not happy with the relationship between Harjinder Kaur and Karun Sharma, the estranged husband of Davinder Kaur, which had led to quarrel between Harjinder Kaur and the parents.

**41.** Counsel for applicant also attempted to drive a wedge into the other circumstances presented by the prosecution. The presence of the applicant in the city on 2<sup>nd</sup> March 2019 itself comes into question considering CDR showed him to be in Lucknow on the date of the incident. The CCTV footage also apparently showed a male driving a motorcycle with a female pillion rider which introduced reasonable doubt in the case of prosecution. Recovery of the earrings of deceased Jagir Kaur from the applicant's house is also covered in doubt since the recovered body was not reported as having any nose piercing or ear piercing. The identification of the said jewellery by Pradeep Singh during TIP was also questioned since, as per the applicant's counsel, he had not met his mother in the last two years before the incident and the TIP was not conducted through Harjinder Kaur or Mandeep Singh, who had been living with their parents during that time.

**42.** Besides, there was no other forensic analysis which would assist the case of the prosecution, as argued by the applicant. There was neither



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fingerprint nor DNA analysis or any other scientific evidence which would connect the applicant to the murder of the two deceased.

**43.** Considering that all material witnesses have been examined, except for Pradeep Singh, the son of the deceased, who is resident abroad, and the recording of his testimony has been delayed for more than two years, in the opinion of this Court, the applicant cannot be incarcerated for an indefinite period of time awaiting the conclusion of the trial. Besides co-accused Diwakar allegedly was involved in assisting the main accused persons in smothering, killing, and disposing of the bodies of the deceased, has already been granted bail.

**44.** In the order granting bail to co-accused Diwakar, a specific query had been put to the State regarding the place of identification of the spot of dumping the bodies. To this, the APP stated that identification was made on 12<sup>th</sup> March 2019, whereas the dead body had been found on 9<sup>th</sup> March 2019. Therefore, the dumping spot cannot *per se* be connected simplicitor to the applicant since the investigating agency was aware where the dead body had been dumped.

**45.** Though arguments by counsel for both parties touched upon intricacies of the evidence recorded by the Trial Court so far, this Court is not analysing these intricacies at this stage of bail. However, it is noted that various pertinent contradictions have been pointed out by applicant's counsel, which potentially sketch out a case for the applicant's defence; to be dealt with in the trial.



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46. It is pertinent to advert to observations of the Supreme Court in *Jagjeet Singh v. Ashish Mishra*, (2022) 9 SCC 321 regarding extent of analysis in bail applications. Relevant portions of the decision are reproduced as under:

*“33. Before dealing with the case at hand, we may, at the cost of repetition, emphasise that a court while deciding an application for bail, should refrain from evaluating or undertaking a detailed assessment of evidence, as the same is not a relevant consideration at the threshold stage. While a court may examine prima facie issues, including any reasonable grounds whether the accused committed an offence or the severity of the offence itself, an extensive consideration of merits which has the potential to prejudice either the case of the prosecution or the defence, is undesirable. It is thus deemed appropriate to outrightly clarify that neither have we considered the merits of the case nor are we inclined to comment on the evidence collected by the SIT in the present case.”*

(emphasis added)

47. Furthermore, the Supreme Court in *Javed Gulam Nabi Shaikh v. State of Maharashtra*, 2024 SCC OnLine SC 1693, observed as follows:

*“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social*



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*and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.*

*19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.”*

(emphasis added)

48. In *Satender Kumar Antil v. CBI*, (2022) 10 SCC 51, Supreme Court reiterated the following stand regarding jurisprudence of bail:

*“12. The principle that bail is the rule and jail is the exception has been well recognised through the repetitive pronouncements of this Court. This again is on the touchstone of Article 21 of the Constitution of India...”*

(emphasis added)

49. More recently, the Supreme Court in *Praveen Rathore v. State of Rajasthan*, 2023 SCC OnLine SC 1268, while granting bail to an accused of murder, noted the importance of personal liberty and right to speedy trial, and observed as under:



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*“5. It is not in dispute that the petitioner, by now, has undergone more than four and a half years' of sentence. The prosecution intends to examine 76 witnesses, out of whom 53 have already deposed. All the crucial witnesses have already been examined. The instant case was adjourned on few occasions to enable the prosecution to examine Chauthmal Kashyap and Manohar Rathore, who were stated to be the vital witnesses. Their deposition is also complete.*

*6. We have heard learned counsel for the parties and carefully perused the material placed on record.*

*7. Taking into consideration the period already spent by the petitioner in custody coupled with the fact that conclusion of trial will take some reasonable time however, without expressing any views on the merits of the case, we are inclined to release him on bail.”*

(emphasis added)

**50.** Recognising the right to speedy trial of persons accused of heinous offences like murder, the Supreme Court in ***Balwinder Singh v. State of Punjab & Anr.***, SLP (Crl.) 8523/2024, order dated 09<sup>th</sup> September 2024 noted as follows:

*“5. In this case, 21 prosecution witnesses have already testified and it is submitted by the State's counsel Mr. Siddhant Sharma that 17 more witnesses are proposed to be examined after dropping 9 of the earlier cited witnesses.*

*6. The High Court while rejecting bail had asked for conclusion of trial within 5 months. The 5 months period stipulated by the High Court will expire at the end of this month but as noticed*





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*earlier, the prosecution proposes to examine 17 more witnesses.*

*7. An accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution.*

...

*10. Considering the above and to avoid the situation of the trial process itself being the punishment particularly when there is presumption of innocence under the Indian jurisprudence, we deem it appropriate to grant bail to the petitioner – Balwinder Singh. It is ordered accordingly. Appropriate bail conditions be imposed by the learned trial court.*

(emphasis added)

**51.** This Court is not expressing any view on the nuanced aspects and merits of this matter as same is the subject matter of the ongoing trial. However, having considered the period of incarceration and the fact that the trial is likely to take some time (*about 70 witnesses left to be examined*), as also that numerous issues which may create a reasonable doubt in the case of the prosecution have been presented by the applicant's counsel, as adverted to above, the Court is of the opinion, that the applicant is entitled to bail. Since, as per the disclosure statements, it is at the behest of the main accused that the applicant had been roped in and had participated with them in smothering the deceased, packing the dead bodies in a bag, and dumping them in a waste drain, bail being already granted to main accused, would in the



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opinion of this Court, is another persuasive factor in granting bail to the applicant.

**52.** In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the applicant behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail. Consequently, the applicant is directed to be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i.** Applicant will not leave the country without prior permission of the Court.
- ii.** Applicant shall provide his permanent address to the Trial Court. The applicant shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii.** Applicant shall appear before the Court as and when the matter is taken up for hearing.
- iv.** Applicant shall join investigation as and when called by the IO concerned.
- v.** Applicant shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.



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- vi. Applicant will mark their presence physically before the concerned I.O. every 1<sup>st</sup> and 3<sup>rd</sup> Thursday of every month between 4 - 5 p.m. and will be not kept waiting for more than an hour.
- vii. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses or tamper with the evidence of the case.
53. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
54. Copy of the judgment be sent to the concerned Jail Superintendent for information and necessary compliance.
55. Accordingly, the bail applications are disposed of. Pending applications (*if any*) are disposed of as infructuous.
56. Judgment be uploaded on the website of this Court.

**(ANISH DAYAL)**  
**JUDGE**

**JANUARY 07, 2025/sm/sc**