

IN THE COURT OF MS. SURABHI SHARMA VATS, ASJ-04
(SHAHDARA), KARKARDOOMA COURTS, DELHI

SC No. 149/2020, IA No. 08/2025
STATE VS. Rajbir @ Rajveer
FIR No. 304/2019
U/s 302/34 IPC
PS: Jyoti Nagar

25.02.2025

This is an application under Section 439 Cr.P.C. seeking bail on behalf of applicant/ accused Rajbir @ Rajveer.

Present: Sh. Yadvinder Singh, Ld. Substitute Addl. PP for the
State
Sh. Nadeem Khan, Ld. Counsel for applicant/ accused.

Arguments heard on the present bail application.

1. It is argued by Ld. Counsel for the applicant/ accused is that all the allegations leveled by the complainant against the accused are totally false, frivolous and baseless and there is no specific role of the accused in the present false case as the applicant/accused was not present at the spot at the alleged date and time of incident; that applicant/accused has been falsely implicated in the present case on the disclosure statement of co-accused/CCL 'H' (name withheld); that nothing has been recovered from the possession of the applicant/ accused and there are material contradictions in the statements

recorded by the police; that earlier bail applications filed by the applicant/ accused were dismissed by Sh. Sanjeev Kumar Malhotra, Ld. ASJ-04, Shahdara, Karkardooma Courts, Delhi on 05.12.2020 and second bail application was dismissed by Ms. Kiran Bansal, Ld. ASJ-04, Shahdara, Karkardooma Courts, Delhi on 03.08.2023 and third bail application was withdrawn by the Counsel on 21.12.2023.

2. Ld. Counsel for the accused/ applicant has further submitted that investigation has already been complete and charge sheet has already been filed; the matter is at the stage of Prosecution Evidence; that accused/applicant is in JC since 05.09.2019 and many witnesses are yet to be examined, therefore, no fruitful purpose would be served to keep the applicant/accused behind the bars, therefore, applicant/accused may be admitted on bail and applicant/accused is ready to furnish sound surety upto the entire satisfaction of this Court and also undertakes to abide by all the terms and conditions, if any imposed upon him.

3. Per-contra, Ld. Substitute Addl. PP for the State has strongly opposed the bail application stating that allegations against the accused/ applicant are grave in nature. Ld. Substitute Addl. PP further submits that earlier bail applications of the accused/ applicant have already been dismissed by the Court on merits on 05.12.2020 and 03.08.2023 and that too after filing of the charge-sheet. Thus, there is

no fresh ground to allow the present application; that as per the case of Prosecution, the brief facts of the case are that a PCR call was received on 04.09.2019 in which it was reported that the mother of the caller has been killed. The IO rushed to the scene of the crime and found a dead body of a female aged about 70 years. Further the bangles of the deceased were found to be broken. The footwear was in disarrayed condition and there were strangulation marks on her neck. The eye-witness Mahender stated that when he was returning from his work, he saw his brother i.e. applicant/ accused Rajbir @ Rajveer and his juvenile son 'H' coming out from his house hurriedly and when he entered his house he saw his mother unconscious. There were bruises present on the chest and neck of CCL 'H' at the time of apprehension. As per case of Prosecution, CCL H has strangled the deceased Maya Devi while the present applicant/accused Rajbir had caught hold of her legs. As per the FSL, DNA of CCL 'H' was found in the nail clippings of the deceased.

4. Ld. Substitute Addl. PP for the State has further submitted that during the course of investigation, it was also found that the deceased had filed the maintenance case under Section 125 Cr.P.C against all her sons and later on she had withdrawn the said case against all her sons except the son Rajbir (applicant/accused) and accused/applicant Rajbir was directed to pay Rs.1500/- per month to the deceased which was on higher side as per his economic condition.

The present accused felt discriminated by his mother as his mother had withdrawn the maintenance case against all her remaining sons but not against the present applicant/accused. Therefore, the applicant/accused Rajbir along with his minor son 'H' brutally murdered the deceased, who is none else but the mother of the applicant/accused. .

5. This Court has heard the arguments on this application and has also perused the available record.

6. As per the case of Prosecution, the applicant/ accused along with his son/co-accused/CCL 'H' in furtherance of their common intention has brutally killed the deceased, who happens to be the mother of the applicant/ accused, by strangulating her.

The Post-mortem report of the injured/deceased reveals multiple injuries i.e. reddish abrasion of size 2.2 cm x 0.7 cm present over left side of face 1.0 cm away from midline over chin; bluish bruise of size 1.2 cm x 0.7cm present over right side of face, 1.0 cm away from midline at angle mendible; bluish bruise of size 4.0 cm x 2.0 cm present over left wrist; reddish abrasion of size 1.6cm x 0.6 cm present over neck in midline over thyroid cartilage, 8.0 cm below chin; reddish abrasion of size 1.2 cm x 0.5 cm present over neck in midline, 4.5 cm above suprasternal notch; crescentic reddish abrasion of size 0.5 cm x 0.1 cm present over right side of neck, 1.0 cm away from midline and crescentic reddish abrasion of size 0.4 cm x 0.1 cm

present over left side of neck, 1.0 cm away from midline.

The allegations against the accused/applicant are quite serious and grave in nature. Matter is at the stage of Prosecution Evidence. Many of the Prosecution Witnesses are yet to be examined. It is well settled principle of law that at the stage of determining the question of bail, minute/ detailed evaluation of the facts and appreciation thereof, on merits, is not to be done. Furthermore, there is no change in circumstance after the dismissal of earlier bail application of the accused/ applicant on 03.08.2023. The law regarding filing successive bail applications is well-settled and it is no longer res integra that when successive applications are filed, there must be a significant development in the case **(Reference: Christian James Michel Vs. Central Bureau of Investigation dated 25.09.2024 passed by Hon'ble High Court of Delhi)**.

Considering the gravity of offences, severity of punishment which the alleged offences entail, coupled with above stated reasons and no change in circumstance since dismissal of earlier bail application dated 03.08.2023, this Court does not deem it a fit case to grant bail to the accused/ applicant Rajbir @ Rajveer at this stage. Therefore, the present bail application stands, **dismissed**.

7. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*

8. In compliance of directions of Hon'ble Supreme Court of India in case titled '*In Re: Policy Strategy for Grant of Bail*', *Writ Petition (Crl.) No. 04/2021 dated 31.01.2023*, copy of this order be sent to applicant through concerned Jail Superintendent for information. Copy of the order be also given dasti to Ld. Counsel for applicant/ accused as well as to the I.O as per rules. The present bail application stands disposed off.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/25.02.2025