



2025:DHC:8747



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 24.09.2025*+ **BAIL APPLN. 2789/2025**

VIKRAM

.....Petitioner

Through: Mr. Pratyush Prasanna and
Ms. Malvika Kulkarni,
Advocates.

versus

STATE GOVT. OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the
State**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 388/2013, registered at Police Station Jaitpur, Delhi for the commission of offence punishable under Sections 302/307/324/34 of the Indian Penal Code, 1860 (hereafter 'IPC').

2. Brief facts of the present case are that on 05.10.2013, a PCR call had been received at the P.S. Jaitpur, Delhi informing that a person had been shot at, and the person who had fired the gunshot had been caught. Thereafter, the police officials had reached the place of the incident, however, it was then informed that the injured



persons had been taken to the hospital by PCR vehicles. On initial inspection, two live rounds and one empty cartridge, a cloth bag, an artificial pistol, a bomb shaped banded cloth article, a liquid in a water bottle, and a knife lying at the spot of incident and blood stains were found. It was further informed to the police officials by the Apollo Hospital that one person, Om Prakash, had been declared as “brought dead”. Thereafter, the statement of Madan Mohan i.e., son of the deceased had been recorded, wherein he had revealed that his sister, Suman was married to the present applicant for about four years; however, due to frequent quarrels, they both had separated with the intervention of Panchayat. It was stated that Suman had then got married to one Sonu in the year 2013. It was alleged that on the intervening night of 14.10.2013 and 15.10.2013, at about 1:00 AM, while everyone had been sleeping at his home, the complainant had heard the sound of a gunshot and shouting. It was alleged that the complainant had immediately gone outside, and seen that his father had been lying with blood flowing from his chest, and his brother Jai Prakash had been holding the applicant herein, who was holding a small pistol. It was alleged that the applicant’s brother Satish and two other individuals were also present nearby. As alleged, the applicant herein had fired multiple gunshots, and had also fired once at the chest of Jai Prakash. While calling the police officials, the complainant had heard gunshots and screams, and upon rushing back, he had seen the applicant herein attacking his mother and sister with a knife. It was alleged that the present applicant had also attacked Jai Prakash and the complainant’s wife with a knife. Co-accused Satish



and other accomplices had managed to escape, however, the applicant herein had been caught at the spot, and he had further threatened to kill everyone, claiming that he had a bomb. On the basis of the aforesaid complaint, the present FIR had been registered.

3. The learned counsel appearing for the accused/applicant argues that the long incarceration of the applicant herein is a ground for grant of bail irrespective of the allegations against him. It is also argued that the discrepancies in the statements of the witnesses should also be taken note for the purpose of grant of bail to the present applicant. Further, it is argued that there was no eye-witness who had seen the present applicant shooting his father-in-law. It is also contended that despite the FIR relating to the year 2013, the prosecution evidence has yet not concluded and some more witnesses remain to be examined; whereas this Court *vide* order dated 21.05.2025 had directed the Trial Court to conclude trial within two months, failing which the applicant was granted liberty to approach this Court again. Thus, it is prayed that the present bail application be allowed.

4. The learned APP for the State, on the other hand, has strongly opposed the present application and argued that the allegations against the accused/applicant are of very serious nature. It is contended that the prosecution witnesses have supported the prosecution's case on all material aspects. It is also argued that the murder weapon i.e. a country-made pistol was recovered from the applicant at the spot and several other objects such as cartridges,



knives, *danda*, belt having a fake bomb, etc. were also recovered from the spot. It is submitted by the learned APP for the State that the applicant had committed the offence with proper preparation, and had murdered one person and attempted to murder his other family members. It is prayed that since the trial is at the verge of its conclusion, the present bail application be dismissed.

5. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material on record.

6. At the outset, this Court notes that the bail application of the present accused was dismissed *vide* order dated 21.05.2025 and the learned Trial Court had been directed to conclude the trial within a period of two months. The relevant observations in the said order are as under:

“6. Considering the long incarceration of the accused herein in judicial custody, and the fact that the trial has been prolonged for 11 years, this Court is mindful of the delay in the proceedings. At the same time, it is also necessary to take into account that the petitioner, after his divorce, had allegedly gone on a shooting spree, fired a gunshot and murdered his father-in-law, stabbed his mother-in-law, attacked other victims with a knife, and also threatened to explode a bomb.

7. It is further noted that only four witnesses remain to be examined. The public witnesses examined so far have supported the prosecution’s case. In view of the above, this Court deems it appropriate to direct the learned Trial Court to prepone the date of hearing of the present case, take it up at short intervals, and decide the same within two months from the date.

8. In view thereof, this Court finds no ground to grant regular bail to the applicants at this stage. However, it is also noted that in case the trial does not conclude within two months, the petitioner will be at liberty to approach this Court and file a fresh application for the grant of regular bail.”



7. This Court is informed that pursuant to direction of this Court, only two prosecution witnesses now remain to be examined, including one Investigating Officer. Thus, considering the fact that trial is at the fag end, and in view of the allegations against the applicant, this Court was not inclined to allow the bail application. However, the learned counsel appearing for the applicant specifically submitted that the bail application be now decided on its own merits by considering the evidence against the applicant and appreciating the discrepancies in the statements of the witnesses.

8. Though the Courts, at the stage of deciding bail applications, are not required to appreciate the evidence in detail but only take a *prima facie* view of the material on record, yet in view of specific prayer repeatedly made by the learned counsel for the applicant in this regard, this Court is constrained to note that the record reveals serious and grave allegations against the present applicant.

9. PW-8 Jai Prakash, son of the deceased and an eye-witness, has deposed before the Trial Court that while he was asleep, upon hearing a gunshot, he had rushed towards the main gate, where he had seen the applicant Vikram inside the house holding a pistol, and his father Om Prakash lying on the cot with blood oozing from his chest. PW-8 further deposed that when he had tried to catch hold of Vikram, he had fired at him, causing a gunshot injury on his chest. Vikram had then taken out a knife and repeatedly assaulted PW-8, his mother, sister, and later his sister-in-law Sunita. He has also deposed that even after his pistol had fallen, Vikram had continued the



assaults with the knife. Eventually, when neighbours had gathered, Vikram had threatened them by claiming he had a bomb, and also brandished another pistol to deter them. Ultimately, the police had arrived and apprehended Vikram, and recovered a *katta* from his possession. PW-3, 4, 5 and 6 have also corroborated these allegations.

10. PW-11 Constable Rajiv Kumar has deposed before the Trial Court that on reaching the spot on the night of 14/15.10.2013, he had noticed blood on a cot, the floor, and walls in the gallery area. He had found two live cartridges, one empty cartridge case, a toy pistol, and a knife near the toilet. Blood was also seen on a washing machine and pillow. He had also seen bomb-like objects lying in the gallery, and from an adjoining empty plot on the south side, a bloodstained *danda* and knife were recovered.

11. Similarly, PW-12 Head Constable Pramod Kumar has deposed that on entering the house he had seen the applicant Vikram, holding a country-made pistol in his hand. He had also noticed another pistol on the floor near Vikram. With the help of one constable, he had snatched the pistol from the applicant and picked up the one lying on the floor. On searching the applicant, three live cartridges had been recovered from his pant's pocket. Further, in the hospital, a bandola belt containing condensers was found on Vikram's person, which the bomb disposal squad later confirmed were not explosives. He has further stated that the two pistols, three live cartridges, the bandola jacket, and the fired cartridge from the country-made pistol had been



handed over to Inspector Arvind.

12. PW-23 Dr. Rajesh Kumar, who had conducted the post-mortem of the deceased, has deposed that in his opinion, the cause of death was shock due to gunshot injury.

13. The argument of the learned counsel for the applicant that there is no eyewitness to the offence, and therefore he deserves bail, is without merit in view of the specific allegations against him and the testimonies of the prosecution witnesses. It is equally unconvincing to accept the argument that there is nothing to show that the applicant had shot at the deceased, in view of the fact that he was apprehended holding a gun in his hand, with the deceased lying on the floor with a gunshot injury, and no other person present in the vicinity.

14. The Hon'ble Supreme Court in *Vijay Kumar v. Narendra & Ors.*: (2002) 9 SCC 364, discussed the factors to be taken into consideration while adjudicating a bail application in respect of offence under Section 302 of IPC. The relevant extract of the decision is set out below:

“10. ...The principle is well settled that in considering the prayer for bail in a case involving serious offences like murder, punishable under Section 302 IPC, the court should consider the relevant factors like the nature of the accusation made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, and the desirability of releasing the accused on bail after the have been convicted for committing the serious offence of murder...”

15. In *Brijmani Devi v. Pappu Kumar*: SLP (Crl.) Nos. 6335 and



7916 of 2021, the Hon'ble Supreme Court held as under:

“25. While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time while considering an application for bail Courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a Court to arrive at a prima facie conclusion. While considering an application for grant of bail a prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-à-vis the offence/s alleged against an accused.”

(emphasis added)

16. Further, the Hon'ble Supreme Court in case of *X v. State of Rajasthan*: 2024 SCC OnLine SC 3539 held that in cases involving serious offences like rape, murder, dacoity, etc., the Courts should be loath in entertaining the bail application - once the trial commences and the prosecution starts examining its witnesses.

17. Therefore, considering the overall facts and circumstances of the case, the nature and gravity of the allegations, the recoveries made from the present applicant, the manner in which the offence had allegedly been committed – i.e. the petitioner, after his divorce, had allegedly gone on a violent spree, in the course of which he had fired gunshots towards the victims resulting in the death of his father-in-law, stabbed his mother-in-law, attacked other members of the family with a knife, and further threatened to detonate a bomb, and



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also keeping in mind the fact that only two prosecution witnesses now remain to be examined and the trial is at its fag end, this Court is not inclined to grant regular bail to the applicant herein.

18. The bail application is accordingly dismissed.

19. However, considering the fact that the applicant has remained in judicial custody for about 9 years and 8 months, the learned Trial Court is directed to conclude the trial within a period of three months from the date of receipt of this order.

20. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

21. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
SEPTEMBER 24, 2025/vc