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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010264862026
+ **BAIL APPLN. 2304/2026**
SHRI AMIT KUMAR@DABBOOPetitioner

Through: Mr. Ashwin Vaish, Mr. Vinod Pandey,
Mr. Himanshu Pandey, Mr. Uttam
Panwar, Ms. Ritu Pandey,
Mr. Yashashwi Dasari, Advocates

versus

STATE NCT OF DELHIRespondent

Through: Ms. Priyanka Dalal, APP for the State
(through V.C.)
ACP Daya Sagar, Delhi Police and SI
Pradeep Kumar, PS Mandawali.
Mr. Pradeep Teotia, Advocate for
complainant (through V.C.)
Mr. Nishant Anand, Advocate
(DHCLSC) with Ms. Gunjan Bansal
and Mr. Tarun Chaoudhary,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **02.09.2026**

1. Applicant seeks regular bail in case FIR No.116/2013 dated 26.02.2013, registered at P.S. Mandawali, for commission of offences under Sections 364A/302/201/120B/34 IPC.
2. Sh. Vaish, learned counsel for the applicant submits that cardinal fundamental principle of the criminal law is that every accused is presumed to be *innocent*, unless and until held *guilty*. He states that the continuous incarceration of the applicant, for more than 13 years, violates his fundamental right to life, personal liberty and to have a speedy trial. He submits that pre-verdict incarceration is, virtually, equivalent to him being



awarded with a life sentence. He also refers to order passed by this Court way back on 21.02.2022, when the applicant had, lastly, come to this Court seeking bail. Such bail application was disposed of by this Court while directing the learned Trial Court to make best endeavour to complete the trial, as expeditiously as possible and, preferably, within the period of four months. The applicant was also simultaneously granted liberty to raise all grounds before the learned Trial Court. More than four years have elapsed after the abovesaid order of this Court, the trial, it seems, is yet not over.

3. Learned counsel for the applicant submits that after testimony of Inspector Sunder Singh was recorded by the learned Trial Court, prosecution expressed its inclination to recall PW-3 Yogita and PW-6 Manoj for identification of case property and such move, in itself, is indicative of the fact that prosecution is not inclined to wind up the trial.

4. Learned Addl. P.P. for the State and learned counsel for the complainant, who both have joined the proceedings through *video-conferencing*, submit that the next date before the learned Trial Court is 7th instant and, in all probabilities, prosecution would close its evidence. They submit that since the case is now at fag end of its journey, the present application may be dismissed as there is a chance that applicant may abscond, if enlarged on bail.

5. There is, in fact, a bit of dilemma in the mind of the Court. On one hand, there is long incarceration and on the other, the matter has enormous gravity.

6. The allegations are, indubitably, serious in nature as according to the case of prosecution, the applicant, along with three other accused persons, entered into a criminal conspiracy and in pursuance to such conspiracy, two



minor children, aged five years and seven years, were kidnapped, with a ransom demand of Rs.30,00,000/-.

7. The abovesaid FIR was registered on the basis of the complaint lodged by their mother on 26.02.2013 and, eventually, the dead bodies of the abovesaid two children were recovered on 02.03.2013. The extensive investigation led to the arrest of four accused persons, including the applicant herein. The applicant is stated to be a distant relative of the family of the complainant as the minor children in question used to call him 'mama' (maternal uncle). He is stated to be the mastermind behind the entire controversy. It is claimed that the school bag of one of the deceased child was also recovered from his possession.

8. Learned Addl. P.P. for the State and learned counsel for the complainant submit that no case would ever be fool proof and there would be minor discrepancy in every case and the attempt of the applicant, at this juncture, is to draw and dig out undue advantage from minor and insignificant discrepancies and contradictions. They submit that since trial is with respect to the brutal murder of two minors, it will not be appropriate for this Court to appreciate the evidence and in this regard, they strongly rely on *X vs. State of Rajasthan*:2024 INSC 909.

9. Sh. Vaish, learned counsel for the applicant, while refuting the above, submits that though, there are, indeed, various discrepancies which are major in nature and which go to the root of the matter and there are several broken links, he, at the moment, is not, even, touching the merits of the case. He states that he is mindful of the gravity of the matter while supplementing that the lives of two minors cannot be compensated, in any manner, whatsoever. He, however, states that, at the same time, the *justice delivery system* has not



responded in the desired manner as the period of incarceration, which is of more than 13 years, cannot also be compensated, if, eventually, the applicant is acquitted. He thus submits that only on the abovesaid material aspect of long incarceration, the applicant deserves to be released on bail. As regards the apprehension expressed by the complainant and prosecution, he submits that on three previous occasions, the applicant had been enlarged on interim bail and there is nothing on record to indicate that he ever misused the liberty so granted to him. He, however, submits that in case the applicant is directed to be released on bail, he would comply with any terms and conditions to be imposed upon him. He relies upon *Union of India vs. K.A. Najeeb*: (2021) 3 SCC 713, *Om Prakash vs. State of Rajasthan*: 1994 SCC OnLine Raj, *Mohd. Hakim vs. State*: 2021 SCC OnLine Del 4623, *Vikas Chandrakant Patil vs. State of Maharashtra*: 2025 SCC OnLine Bom 1892, *Yogesh Narayan Raut vs. The State of Maharashtra* (arising out of Spl. (Crl.) No.3494/2024; dated 19.04.2024), *Vaibhav Singh vs. State of Uttar Pradesh* (in Special Leave to Appeal (Crl.) No.7416/2026; dated 29.04.2026), *Sahil Manoj Machare vs. The State of Maharashtra* (in Special Leave to Appeal (Crl.) 7502/2026; dated 04.05.2026), *Rajadurai vs. The State of Tamil Nadu* (in Special Leave to Appeal (Crl.) 4729/2026; dated 05.05.2026), *Arjun Jani @ Tuntun vs. State of Orissa* (in Special Leave to Appeal (Crl.) 7128/2026; dated 07.05.2026).

10. The Court has gone through the abovesaid judgments and heard learned counsel for the parties.

11. The Court, at this juncture, is not touching the merits of the case though is cognizant of the fact that it is a case of double murder. Reliance upon *X vs. State of Rajasthan* (supra) by the prosecution is not warranted as the abovesaid precedent was considered by the Hon'ble Supreme Court of India



while granting bail in *Vaibhav Singh* (supra). The aforesaid case was also a case of murder where the incarceration period of the petitioner was almost nine years. The jurisdictional High Court declined bail while relying upon *X vs. State of Rajasthan* (supra) and the Hon'ble Supreme Court in *Vaibhav Singh* (supra) observed that true purport and ratio of the abovesaid decision was not comprehended, while supplementing that the High Court ought to have considered the fact that the petitioner was languishing in jail as under-trial prisoner. Thus, the Hon'ble Supreme Court, while attaching supreme importance to the right of having a speedy trial as enshrined in Article 227 of the Constitution of India, observed as under:-

“12. In many of our Judgments and on many occasions, we have said in so many words that howsoever grave the crime may be, but if the accused is denied his right of speedy trial and is languishing in jail for years together and for no fault on his part, he cannot be kept in jail for indefinite period.”

12. Reference be also made to judgment *Mohd. Hakim vs. State* (supra), wherein the applicant was behind the bars as an under-trial prisoner for a period of more than 12 ½ years. The abovesaid case pertains to serial bomb blast which occurred in different places in Delhi in the year 2008, in which 26 persons had lost their lives and several others were injured. This Court, while referring to almost every relevant judgment dealing with the aspect of speedy trial, including *K.A. Najeer* (supra), granted bail, while holding that the accused had been able to make out a case that his right to speedy trial had been defeated and would continue to be violated, if he is not enlarged on bail.

13. The period of incarceration herein is, actually speaking, inordinate, unjustifiable and unconscionable one. The applicant herein has remained in custody for more than thirteen years, a period which, by any measure, is substantial and huge. The seriousness of the offence, in itself, cannot eclipse



and prevail over the constitutional guarantee of having a speedy trial. The *clock of justice* may, though, move at its own pace for varied reasons, the *clock of liberty* cannot be made to standstill, till eternity.

14. Nominal Roll of the applicant is on record. His current age is 34 years which indicates that when he was arrested, he was around 21 years of age. He does not have any prior antecedent of any nature whatsoever.

15. Keeping in mind the abovesaid limited aspect of there being inordinate delay and unduly long period of incarceration undergone by the applicant, *albeit*, without expressing an opinion over the merits of the case, applicant is, hereby, admitted to bail on his furnishing personal bond in a sum of Rs. 25,000/- with two *local* sureties of the like amount subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Judicial Magistrate First Class subject to the following conditions:-

- (a) *Sureties would be, preferably, close relatives of applicant.*
- (b) *Applicant shall appear before the learned Trial Court regularly on date(s) fixed.*
- (c) *The applicant/accused shall provide his mobile number to the investigating officer and shall keep the same operational all the time, till the disposal of the case.*
- (d) *The applicant shall not leave Delhi without prior permission of the learned Trial Court*
- (e) *Applicant shall report to the SHO concerned every fortnight.*
- (f) *Applicant shall not try to contact the complainant and their family members, directly or indirectly.*

16. The application stands disposed of in aforesaid terms.

17. A copy of this order be sent to the learned Trial Court for information.

MANOJ JAIN, J

SEPTEMBER 2, 2026/st/sa