



2024:DHC:8884



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

% **Date of order: 6th November, 2024**

+ **CRL.M.C. 8658/2024 & CrI.M.As.33086-87/2024**

KULDEEP SINGH

.....Petitioner

Through: **Mr. Kartik Gupta, Advocate**

versus

THE STATE OF NCT OF DELHI & ANR. Respondents

Through: **Mr. Raghuinder Verma, APP for
State**

**Mr. Kanhaiya Singhal, Mr. Ujwal
Ghai, Ms. Deepali Pawar, Mr.
Prasanna and Mr. Ajay Kumar,
Advocates for R-2**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

CHANDRA DHARI SINGH, J (Oral)

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" hereinafter) [earlier Section 482 of the Code of Criminal Procedure, 1973 ("Cr.P.C." hereinafter)] has been filed by the petitioner seeking setting aside of the order dated 24th October, 2024 passed by the learned Additional Sessions Judge-02, West District, Tis Hazari Courts, Delhi in Sessions Case no.126/2022 arising out of FIR no.150/2021, registered at Police Station- Mundka, Delhi, for the offences punishable under Sections 498-A/304-B/406/506/34 of the Indian Penal Code, 1860 ("IPC" hereinafter), wherein, the bail granted to the petitioner



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was cancelled and he was directed to surrender within a period of two weeks.

2. The brief facts that led to the filing of the instant case are as follows:

(a) The marriage between the instant petitioner and his wife was solemnized on 3rd November, 2014. However, his wife was allegedly subjected to domestic violence by the petitioner and his family on various instances due to the alleged demand of dowry.

(b) Being aggrieved by the aforesaid, his petitioner's wife ("deceased" hereinafter) committed suicide on 7th March, 2021, pursuant to which, the present FIR under Sections 498-A/304-B/406/506/34 of the IPC was registered against the petitioner and his family members.

(c) Thereafter, the petitioner was arrested on 8th March, 2021 following which the petitioner filed a bail application bearing BAIL. APPLN. no. 1524 seeking grant of regular bail and *vide* order dated 8th April, 2021, passed by the learned Additional Sessions Judge-09, West District, Tiz Hazari Courts, Delhi, ("learned Sessions Court" hereinafter) the same was allowed and the petitioner was released on bail.

(d) Subsequently, the chargesheet in the present matter was filed and two additional FIRs bearing nos. 575/2022 and 400/2024 were lodged against the petitioner on the basis of the complaint filed by the respondent no. 2, i.e., the brother of the deceased, alleging that the petitioner has been extending threats of dire consequences, thereby, violating the terms of his bail.



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(e) Pursuant to the aforesaid, the respondent no. 2 filed a petition bearing CRL.M.C. no. 5270/2022 before this Court challenging the bail granted to the petitioner and the same was withdrawn by the respondent no. 2 with the liberty to approach the Court concerned. The respondent no. 2 then filed an application before the Court concerned and the same was allowed *vide* order dated 24th October, 2024 (“impugned order” hereinafter), thereby, cancelling the bail granted to the petitioner.

(f) Being aggrieved of the aforesaid impugned order, the instant petition has been filed *inter alia* seeking setting aside of the same.

3. Learned counsel appearing on behalf of the petitioner submitted that the impugned order is liable to be set aside in view of the fact that the same is bad in law and has been passed without application of settled law.

4. It is submitted that the petitioner has not committed any crimes as alleged in the present FIR as the deceased expressed her wish to visit Gurudwara Bangla Sahib, Delhi on 7th March, 2021 and upon her return from the Gurudwara, the deceased took her own life for reasons unknown to the petitioner.

5. It is submitted that the allegations leveled against the petitioner for threatening the father of the deceased are concocted and baseless as it has been revealed through the PCR call logs that the allegations of extending threats are unsubstantiated as respondent no.2’s father himself informed the police that no incident of threat or violence has taken place and the same has also been verified by the CCTV footage.



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6. It is submitted that the petitioner was rightly enlarged on bail *vide* order dated 8th April, 2021 and the same was passed by the Court concerned after considering the entirety of the matter and the material placed on record, and thus, the application seeking cancellation of bail was filed by the respondent no.2 on false and frivolous grounds with a *malafide* intend to cancel the bail granted to the petitioner herein.

7. It is further submitted that while passing the impugned order, the Court concerned failed to take into consideration that the bail granted to the petitioner was challenged by the respondent no.2 approximately 18 months after the grant of bail and thus, the grounds urged by the respondent no.2 in the petition bearing Crl.M.C. no. 5270/2022, challenging the regular bail granted to him, are false and frivolous.

8. It is submitted that while passing the impugned order, the Court concerned also failed to take into consideration that the contents of the present FIR, complaint, as well as the status report filed before the learned Sessions Court do not reflect any involvement of the petitioner in threatening or influencing respondent no.2, his family members or any witness whatsoever.

9. It is also submitted that as per the contents of the supplementary chargesheet, the reason that attributed to the suicide committed by the deceased was due to her securing employment on the basis of a fraudulent OBC certificate as she was feeling pressured due to the verification of the



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said document and thus, there is no involvement of the petitioner herein in the unfortunate incident that took place on 7th March, 2021.

10. It is submitted that as per the contents of the FIR bearing no. 400/2024 dated 10th September, 2024 registered on the basis of complaint filed by the respondent no.2 against the petitioner herein, there is no mention of the petitioner being present with the co-accused namely Mr. Sandeep Alhawat.

11. Therefore, in view of the foregoing submissions, it is submitted that the petitioner has been falsely implicated in the present case and thus, it is prayed that the reliefs may be granted as prayed for.

12. *Per contra*, Mr. Raghuinder Verma, learned APP for the State vehemently opposed the instant petition submitting to the effect that the same is nothing but a gross misuse of process of law. He further submitted that after the release of the petitioner on regular bail, he purposely tried to influence the respondent no.2 and his family members by threatening them to withdraw the criminal case filed against him as well as other complaints filed by the respondent no.2.

13. It is further submitted that the status report which is appended as Annexure P-13 to the instant petition categorically states that the petitioner herein is threatening the father of the deceased.

14. Learned APP for State apprised this Court that while passing the impugned order, the petitioner was granted bail without imposing any terms and condition and in view of the same, it is submitted that the petitioner has misused the liberty granted to him.



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15. At this stage, learned counsel for the respondent no.2 handed over the copies of certain WhatsApp chats in the Court today which is taken on record.

16. While placing reliance upon the aforesaid chats, it is submitted that the brother of the petitioner who is a co-accused namely Mr. Sandeep Ahlawat, has threatened the respondent no.2 and his family members on various occasions through the WhatsApp messages, i.e., on 14th October, 2024, 15th October, 2024 and 18th October, 2024, respectively and the said messages read as under:

“...Tu Fasala kr le nhi to tn Jaan se maaruga soch lena last baar bta Raha hu.

Tn goli se maaruga soch lena tn Jo Krna h va krle ab tu ab jaa.

*Tu jail bheja tha bhej liya c*****a s***a tn marrunga.*

*Tera te jo ho va kr liya pakd va liya tu police se jaa c*****a s***a police se kuch nhi Hove Mera ga***a.*

*Tn Kal maaruga soch lena tu kuch nhi hove Mera Teri g*** p maaruga police kuch nhi kr sakti Mera jaauga police k pass aajuga vapis last warning h aaj Tera last din hai.”*

17. Therefore, in view of the aforesaid messages, it is submitted that the same makes it clear that the respondent no.2 and his family members have been pressurized to withdraw the criminal case which is pending against the petitioner, and thus, it is prayed that the instant petition being devoid of any merits is liable to be dismissed.



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18. Heard learned counsel for parties and perused the material placed on record.

19. It is the case of the petitioner that the bail granted to him *vide* order dated 8th April, 2021 was passed after considering the entire matter and thus, it has been wrongfully canceled *vide* the impugned order as the petitioner is not involved in the suicide committed by the deceased and the reasons for the same are unknown to the petitioner. Further, the allegations leveled against the petitioner that he and his family members are extending threats to the respondent no. 2 and his family members is unfounded and baseless, therefore, the impugned order is erroneous.

20. In rival submissions, the learned APP as well as the learned counsel appearing on behalf of the respondent no.2 argued that the petitioner has violated the liberty granted to him by threatening the family of the deceased through his brother, i.e., Mr. Sandeep Ahlawat, for dire consequences unless they withdraw the criminal case as pending against the petitioner and thus, the instant petition is liable to be dismissed being devoid of any merits.

21. In the instant matter, it is observed by this Court that the petitioner got married to the deceased on 3rd November, 2014, however, due to non-fulfillment of dowry demands of the petitioner's family, the deceased was allegedly subjected to domestic violence on various instances in the years 2015-16, and thus, she committed suicide. It is further observed that the said demise took place before the completion of seven years of the marriage between the deceased and the petitioner, as a result of which, he was



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arrested. Subsequently, the petitioner filed an application seeking regular bail which was allowed by the learned Sessions Court *vide* order dated 8th April, 2021 and the petitioner was released on bail.

22. It is pertinent to note herein that the learned counsel for the respondent no.2 has submitted certain WhatsApp chats before this Court and has contended that the brother of the petitioner, i.e., Mr. Sandeep Ahlawat, has been extended threats to the respondent no.2 and his family members. Moreover, the petitioner has threatened the family of the deceased to take back the pending cases filed against him. This Court has perused the copy of the said WhatsApp chats and threats. Upon perusal of the same, it is observed that the petitioner herein has threatened the family of the deceased for dire consequences in order to withdraw the criminal case against him by stating as follows:

“tu aur tera pariwar sari chalakiya bandh kar do bahut baar keh di hai tujhse chup chap ghar mai raho aur court mai aana bandh kar do aur saare case wapas le lo. Aaj goli bahar chalai hai eeb ki bari thare ghar mai koi nhi bacheja agar nhi maane sabko marwa dunga nhi toh mere aur mere bhai Sandeep ke khilaf sare case wapas le lo. Bahen toh gayi tum logo ko apni jaan pyari hai to wo karo jo bola hai.”

23. The aforesaid chats clearly illustrates as to how the petitioner has resorted to intimidate the respondent no.2 and his family members by threatening and pressurizing them to withdraw the criminal case filed against him, thereby, tampering with the witnesses of the case.



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24. It is further observed that the Court below has also taken into consideration the aforesaid threats of the petitioner extended through his brother while cancelling the bail granted to the petitioner. It was also observed in the impugned order that the CCTV footage clearly shows that the petitioner fired a gunshot at the respondent no.2, on the basis of which, the FIR No. 400/2024 was lodged against him. Therefore, it was fairly concluded in the impugned order that the petitioner is involved in the commission of unlawful activities such as threatening the deceased's family of dire consequences and thus, the overall conduct of the petitioner made out a case for cancelation of his bail.

25. In view of the above facts and circumstances as well as bearing in mind the contents of the WhatsApp chats which have been produced before this Court including the allegations leveled in FIR No. 400/2024, this Court is of the considered view that the brother of the applicant has extended threats to the primary witnesses of the instant case by taking the judicial process of law for granted.

26. It is also relevant to note that the family of the deceased, who is already facing the emotional turmoil of losing a daughter, is being constantly threatened by the petitioner along with his brother Mr. Sandeep Ahlawat, who is a co-accused in the present case, which not only instills fear in the minds of the family of the deceased, but is also detrimental to the adjudication of the present case.



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27. At this juncture, it is pertinent to state that the petitioner herein has invoked the inherent jurisdiction of this Court as envisaged under Section 528 of the BNSS. The law *qua* the aforesaid provision is clear as it is a saving clause and if the High Court is *prima facie* satisfied that the Courts below have passed a well-reasoned order by meticulously examining the evidence placed before it and there are no errors which are apparent on the face of it, the High Court is not required to further go into the comprehensive analysis of the material on record and may uphold the orders passed by the Courts below.

28. Bearing in mind the aforesaid position of law as well as the facts and circumstances of the instant case, this Court finds that the Court below has thoroughly appreciated the evidence placed before it and rightly cancelled the bail granted to the petitioner by passing a well detailed and reasoned order, as the petitioner has evidently violated the liberty granted to him by resorting to intimidation tactics by pressurizing the family of the deceased to withdraw the pending criminal case and complaints filed against him.

29. Accordingly, in view of the above facts and circumstances and upon perusal of the material placed on record, this Court is of the considered view that the petitioner has failed to make out a case in his favour and there is no illegality or perversity in the impugned order. Therefore, no cogent reasons are found to allow the instant petition as it has been fairly established that the petitioner has misused the bail granted to him. In light of the same, the impugned order dated 24th October, 2024 passed by the learned Additional



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Sessions Judge-02, West District, Tis Hazari Courts, Delhi in Sessions Case no.126/2022 is, hereby, upheld.

30. In view of aforesaid facts and circumstances, this Court finds no merit in the instant petition and accordingly, the same stands dismissed alongwith the pending applications, if any.

31. The order be uploaded on the website forthwith.

CHANDRA DHARI SINGH, J

NOVEMBER 6, 2024

rt/sm/ryp

Click here to check corrigendum, if any

Signature Not Verified

Digitally Signed By: PRAVEEN
KUMAR BABBAR
Signing Date: 10.11.2024
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