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

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Date of Decision: 12.09.2023

+ **BAIL APPLN. 2266/2023**

NAVEEN KHATRI

..... Petitioner

Through: Mr. Sunil Upadhyay,
Advocate

versus

STATE OF NCT OF DELHI.

..... Respondents

Through: Mr. Manoj Pant, APP for the
State with Inspector Sudhir
Kumar, PS Modal Town

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.(ORAL)

1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking grant of bail in case FIR bearing No. 79/2016, registered at Police Station Model Town, Delhi for the offences punishable under Sections 302/365/202/212 of the Indian Penal Code, 1860 ('IPC').

2. Brief facts of the case are that on 02.02.2016, a missing report had been lodged by one Kavita who had informed that her daughter



Arzoo, aged about 21 years, had gone missing. However, despite search efforts, the missing girl could not be found. Thereafter, on 06.02.2016, the father of missing girl had informed the police that he suspected the involvement of one boy namely Naveen i.e. the present applicant who lived in the same locality and was known to her daughter. On his statement, the present FIR was registered on 06.02.2016 under Section 365 of IPC. During investigation, the present accused/applicant was apprehended who disclosed that he had been in relation with the victim for about two years. He had further disclosed that on 02.02.2016, he had picked the victim girl from her college in Ashok Vihar, Delhi in his car and had taken her to KVS School, Vasant Kunj, where a heated altercation had taken place between them on the issue of marriage of applicant which was fixed for 05.02.2016 and the applicant had killed the victim by strangulating her in the car. Thereafter, he had shifted her body in the boot of the car and had dumped the same near that area. Later on, the applicant had dumped the body of the victim in the ventilation shaft of his house. Accordingly, the present applicant was arrested in this case on 07.02.2016.

3. Learned counsel for accused/applicant states that accused is in judicial custody since the year 2016. It is also stated that out of 33 witnesses, only 19 witnesses have been examined till date and the trial will take some time to conclude. It is further stated that accused was released on HPC guidelines for about a period of 2.5 years, however, he did not misuse the liberty granted to him.



4. Learned APP for the State, on the other hand, draws this Court's attention to contents of FIR and charge sheet. He states that allegations in this case are serious in nature and recovery in this case was affected at the instance of present accused/applicant and therefore, the present bail application be dismissed.

5. I have heard arguments addressed by learned counsel for applicant/accused and learned APP for the State and have gone through the material on record.

6. In the present case, the dead body of the victim girl was recovered from the house of present applicant at his instance. The police had also recovered one plastic bag containing blood stains and some clothes of the accused which he had worn on the day of incident, from the house of present accused. Further at the instance of present applicant, the car in which the victim had been murdered by the applicant was recovered from Pitampura and was taken into police possession. As per prosecution, on 08.02.2016, one bag belonging to the deceased victim, which the applicant had thrown after murdering her, had also been recovered from the place where she had been murdered, at the instance of applicant. It had also been discovered during the course of investigation that with the assistance of few other family members, the applicant had attempted to destroy the evidence since at his instance, one co-accused Naveen Beniwal had got the car in question washed from a car service station, and in support of same, the CCTV footage of the car service station had also been obtained by the investigating officer.



7. This Court notes that the present case presents a deeply troubling and exceptionally grave set of circumstances. The seriousness of this offence cannot be overstated, as it involves the alleged abduction and murder of a young woman, Arzoo, who was only 21 years old at the time of incident. The alleged sequence of events, as per the investigation, paints a harrowing picture of alleged heated altercation over the applicant's impending marriage, while he was in a relationship with the deceased which ultimately resulted in the strangulation of the victim within the confines of a car. This incident portrays the trauma faced by the young woman who was evidently shocked upon learning about the impending marriage of the applicant. Thereafter, the accused is said to have concealed the victim's body in the boot of the vehicle after killing her before disposing of it near the crime scene and, later, in the ventilation shaft of his own residence. The exceptional nature of this case, marked by its inherent gravity and disturbing set of facts, demands a judicious caution while evaluating the applicant's request for bail. The deliberate and calculated manner in which these actions are said to have been carried out, coupled with the fact that the young victim's body was concealed in the accused's own home, reflects the gravity of the offence which has been alleged.

8. Thus, considering the overall facts and circumstances of the case, seriousness and gravity of the offence, and the fact that some material witnesses are yet to be examined, no ground for grant of bail is made out at this stage.

9. Accordingly, the present bail application stands dismissed.



10. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

11. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

SEPTEMBER 12, 2023/dk