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

+ **BAIL APPLN. 850/2024 & CRL.M.A. 7408/2024**

RAJAT PAL

.....Petitioner

Through: Mr. Shiv Chopra, Ms. Aadhyaa Khanna, Mr. Siddharth Arora and Mr. Akash Jindal, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR.....Respondents

Through: Mr. Utkarsh, APP for the State with SI Jay Prakash, P.S.: Inder Puri.
Mr. Amit Singh Chauhan, Advocate (DHCLSC) with Mr. Syed Hamza G., Ms. Shikha Chauhan and Ms. Shaima Masood, Advocates for R-2/complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

09.09.2024

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By way of the present petition filed under section 439 read with section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks regular bail in case FIR No. 0093/2018 dated 27.05.2018 registered under sections 498A/304B of the Indian Penal Code, 1860 ('IPC') at P.S.: Inder Puri, New Delhi ('subject FIR').

2. Notice on this petition was issued on 07.03.2024; pursuant to which Status Report dated 27.07.2024 has been filed in the matter.
3. Nominal Roll dated 19.04.2024 has also been received from the concerned Jail Superintendent.



4. The court has heard Mr. Shiv Chopra, learned counsel appearing for the petitioner; Mr. Utkarsh, learned APP appearing for the State; as well as Mr. Amit Singh Chauhan, learned counsel for the complainant at length.
5. Mr. Chopra submits, that admittedly the petitioner's wife had committed suicide on 27.05.2018 at about 02:00 a.m. by hanging herself from the fan; and it was the petitioner who took her to the hospital.
6. Learned counsel for the petitioner further submits that a perusal of the chargesheet would show that the complainant (mother of the deceased) has said that on 26.05.2018 at about 07:00 p.m., she had come to the house of the deceased and had counselled her daughter, telling her that what transpired before that was 'only a household fight' and that it should be sorted-out at home. Despite that, the deceased insisted on taking the matter to the police, to which however the petitioner did not consent. Counsel submits that clearly, therefore, in the opinion of the mother of the deceased, the disagreement between the petitioner and the deceased was in the nature of an routine 'household fight'.
7. Mr. Chopra argues, that a perusal of the chargesheet would show that the essential allegations against the petitioner are that he used to frequently return home late; that he would be drunk; and would beat-up the deceased, and that he did not contribute to the household financially. Learned counsel submits however, that it must be noted that nothing in the chargesheet or even in the deposition of the



witnesses recorded thus far, would show that the petitioner had impelled his wife to hang herself.

8. In any event, Mr. Chopra argues, that the petitioner has been in judicial custody from the time of his arrest on 28.05.2018, except for the period between 24.05.2021 and 21.08.2021 when he was released on interim bail in terms of the HPC Guidelines issued during the then prevailing pandemic; and there is no allegation that the petitioner ever violated any conditions of his release during that period.
9. Mr. Chopra further submits, that of the 25 prosecution witnesses cited in the chargesheet, only 04 have been examined so far and it is therefore unlikely that the trial would conclude any time soon.
10. On the other hand, opposing the grant of bail, Mr. Utkarsh and Mr. Chauhan submit, that a perusal of the chargesheet as well as the statement of the witnesses recorded so far, in particular the statement of PW-1 (complainant/mother of the deceased), would show that the petitioner used to tell the deceased to ask her parents for money, and despite the parents giving money, the petitioner still used to beat and harass their daughter.
11. Mr. Chauhan submits, that about 7-8 days prior to the date of the incident, the parents of the deceased had received a call from the petitioner's grandfather that the petitioner had mercilessly beaten their daughter. Counsel also points-out, that there is also a prior history of serious violence by the petitioner upon his wife, which came to be registered as FIR No. 184/2017 dated 26.08.2017 registered under section 326 at P.S.: Narela, New Delhi since the petitioner had attacked the deceased with a blade, which led to the deceased



requiring 56 stitches on her face. In response, Mr. Chopra states that the petitioner has already been admitted to regular bail in the said other FIR.

12. Learned APP and Mr. Chauhan have also taken the court through the deposition of some of the witnesses recorded before the learned Trial Court, to show the proximity between the date of the incident when the deceased hung herself and the dowry harassment that had preceded it. On point of law, learned APP points-out that under section 113-B of the Indian Evidence Act 1872, there is a presumption against the petitioner that he has committed the offence under section 304-B of the IPC.
13. Upon a conspectus of the facts and circumstances of the case, in particular the seriousness of the allegations against the petitioner, which appear to be borne-out by the material on record, this court is not persuaded to allow the present petition.
14. The bail petition is accordingly dismissed; however granting to the petitioner liberty to apply afresh once all prosecution witnesses have been examined before the learned Trial Court.
15. Pending applications, if any, also stand disposed-of.
16. Nothing in this order shall be construed as an expression of opinion on the merits of the matter.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 9, 2024/ak