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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2924/2024**
SADHNAPetitioner

Through: Mr. Rahul Lather, Mr. Deepak,
Advocates.

versus

THE STATE OF NCT OF DELHIRespondent
Through: Mr. Aman Usman, APP for State with
Insp. Rajpal, PS: Wazirabad and Insp.
Ritesh Roy, PS: Rajpark.
Mr. Prashant Prabhakar, Advocate for
complainant.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
17.12.2024

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1. This petition has been filed seeking bail in FIR No. 78/2023 under Sections 307/323/34 IPC registered at P.S Wazirabad Delhi. Subsequently, chargesheet has been filed under Sections 302/325/147/149/201/34 IPC dated 18th April 2023. Petitioner was arrested on 21st January 2023.
2. As per Nominal Roll, petitioner has been in custody for about one year and four months, and has no previous involvement.
3. Interim bail was granted by this Court on 06th June 2021, on medical grounds that she had been diagnosed with right breast fibroadenoma and had to undergo surgery.
4. The interim bail was subsequently extended by this Court, the last



extension being on 18th October 2024.

5. Surgery was performed on 30th May 2024, and thereafter, she has been in the stage of recovery.

6. Case of the prosecution rests on an incident which occurred on 20th January 2023, upon having received information that one injured Lal Singh, had been admitted to the Trauma Centre, Civil Lines.

7. Subsequently, his MLC was obtained. The informant, Chiranjeev Raghav, informed about the incident. He stated that he, along with his family members, including his father Anil, maternal uncle Lal Singh, cousin Shivam Bhati and other relatives, arrived at their family plot in Shiv Kunj, Gali No. 3, B- Block, Sant Nagar, Burari, Delhi during the day on 20th January 2023.

8. On the 1st floor, complainant's uncle Sunil Kumar and his family reside. On the ground floor of the said property, there is a shop which had been locked by complainant a few days back. There was an ongoing dispute regarding partition of the property between family members.

9. When he arrived at the said shop, he found another lock placed on the shop, and started removing it. At that stage, Sunil Kumar's sons and other family members, including the petitioner, who is the wife of Sunil Kumar, started abusing them, and an altercation started between both parties. Physical assault resulted between the parties. Lal Singh sustained head injuries and did not survive; accordingly, Section 302 IPC was added in this case.

10. As per prosecution, the role of petitioner was integral in this scuffle; as she was seen pushing and manhandling Lal Singh. She was also seen in the CCTV footage, with a helmet in her hand, which she left and subsequently went to her house after the incident.



11. Counsel for petitioner states that the attack had actually been initiated by the complainants and that the role of accused/petitioner did not involve any serious assault, but that she merely participated in self-defense during the altercation which had happened.

12. APP for State, however, objects to the plea of bail by petitioner, on the basis that the CCTV footage is quite clear. Further, he states that the only medical documents placed on record relate to gallbladder *calculi* and fatty liver issues, which do not indicate any serious medical condition.

13. He further submits that the surgery was conducted during custody, and the bail was granted subsequently for post-surgery recovery. The trial is currently at a crucial stage, as eyewitnesses are being examined.

14. Counsel for petitioner has handed over an OPD report from Deen Dayal Upadhyay Hospital dated 16th December 2024, wherein it is stated that there is a possibility of low-grade spindle cell tumor in the phyllodes. Biopsy has been recommended for another block for HPE.

15. In view of the continued medical condition of petitioner, and the fact that she has already been in custody for about one and a half years, and has no previous involvements, and considering the contentions of counsel for petitioner, the Court is inclined to grant bail.

16. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:



- i. Petitioner will not leave the country without prior permission of the Court.
 - ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
 - iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Petitioner shall join investigation as and when called by the IO concerned.
 - v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
17. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
18. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
19. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
20. '*Dasti*'



21. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 17, 2024/RK/tk

[Click here to check corrigendum, if any](#)