



2025:DHC:9212



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 14.10.2025

+ BAIL APPLN. 74/2025

KULDEEP SINGH

.....Petitioner

Through: Mr. Ajay Kumar Pipaniya, Ms.
Pallavi Pipaniya, Mr. Lavish
Chhikara, Ms. Yashvee, Advs.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan,
APP.
Mr. Kanhaiya Singhal, Mr.
Naveen Pawar, Mr. Shatakshi
Singh, Mr. Avantika Shankar,
Advs. for complainant.

CORAM:-**HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT (ORAL)****RAVINDER DUDEJA, J.**

1. Present petition has been filed seeking regular bail in case FIR no. 150/2021 registered under sections 498A/304B/406/506/34 IPC at PS Mundka.
2. The brief facts of the case are that on 07.03.2021, Smt. Chanchal, was found hanging at her rented accommodation in Mundka, Delhi, and was declared brought dead at CD Global Hospital. Her brother Pankaj Dahiya alleged persistent cruelty, dowry



demands, and physical and mental harassment by her husband Kuldeep, his brother Sandeep, sister-in-law Dipika, and mother-in-law Nirmala Devi. It was alleged that despite repeated meetings between the families to resolve domestic discord, the harassment continued, and a few days prior to her death, Chanchal was pressurized to arrange Rs. 14–15 lakhs for purchasing a plot, for which her family had already paid Rs.6.5 lakhs to the accused. During investigation, all accused persons were found to have subjected the deceased to cruelty and dowry demands. However, Dipika and Nirmala were not arrested considering their role, gender, and cooperation. The post-mortem confirmed death due to asphyxia by hanging, and evidence including witness statements, bank records, and CDR analysis indicated sustained cruelty and negligence on part of the husband leading to the suicide. Upon completion of investigation, chargesheet was filed under Sections 498A, 304B, 406, 34 IPC (and 506 IPC against Sandeep) against all four accused.

3. The applicant was released on bail by the learned trial court on 08.04.2021. After approximately 18 months from the date of grant of bail, the complainant filed a petition bearing CrI. M.C No. 4270/2022 challenging the grant of bail. This Court vide order dated 04.07.2024, granted liberty to the complainant to withdraw the same and to pursue his remedy before the trial court.

4. During the pendency of the matter before the trial court, the complainant lodged an FIR bearing No. 575/2022 alleging that the



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petitioner had threatened his father. The learned counsel for the applicant submits that upon obtaining the PCR call logs through RTI, it was revealed that the allegations were unsubstantiated with complainant's father himself informed the police that no incident of threat or violence had occurred as verified by CCTV Footage reviewed by the SHO and IO of police station Prashant Vihar. He submits that applicant through his counsel obtained the PCR call logs through RTI from Delhi Police and from the contents of the call logs, it is revealed that the said FIR was registered against the petitioner on false and frivolous grounds. It is also submitted that despite passage of three years, no charge sheet has been filed in case FIR No. 575/2022.

5. After the withdrawal of the cancellation petition from this Court, the complainant filed an application for cancellation of bail before the trial court. In the meanwhile, yet another FIR bearing no. 400/2022 under Sections 125/351(4) BNS and Section 25/27 of the Arms Act was registered at P.S.Kanjhawala against the applicant's brother. It is submitted that in the said case, no weapon was recovered, the applicant was not named, and even the brother against whom the FIR was lodged has not been arrested. The allegations in that FIR were that an unknown person wearing a helmet and covering his face came and fired in front of the complainant's house and fled on a motorcycle without a number plate, and that though his face was not visible, he resembled the applicant's brother. It is submitted that even in this FIR, no charge-sheet has been filed. The material witnesses in



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case FIR No. 150/2021 have already been examined. Learned counsel for the applicant thus submits that the applicant who was earlier granted regular bail on 08.04.2021 deserves to be readmitted to bail as the subsequent cancellation of bail was based on unsubstantiated allegations and no credible material has emerged to justify continued incarceration.

6. Learned counsel for the complainant submits that despite the applicant's submission regarding the discretion of the Investigating Officer to arrest, the issue in the present case concerns the applicant's consistent misuse of the liberty granted to him. It is submitted that this Court, vide order dated 04.07.2024, granted liberty to the complainant to move an application for cancellation of bail before the court which had granted it and pursuant to which bail was cancelled by trial court on 24.10.2024. The applicant thereafter challenged the said order, but this Court, vide order dated 06.11.2024, upheld the cancellation of bail after observing that the applicant and his brother had threatened and intimidated the complainant and his family during the bail period. The said order also recorded that two additional FIRs bearing Nos. 575/2022 and 400/2024 were registered on the basis of complaints by the complainant alleging threats of dire consequences, supported by WhatsApp messages sent by the applicant's brother between 14.10.2024 and 18.10.2024 containing abusive and intimidating language. It is further submitted that threats were extended by the



applicant to the complainant and his family to not depose against the applicant and take back the case against him and his brother.

7. It is further submitted that the applicant, during the pendency of the cancellation proceedings, used to appear before the Trial Court wearing a CISF uniform despite not being on duty, with the intention to intimidate the complainant's family. It is submitted that these acts clearly demonstrate the applicant's interference with the process of law and his attempt to influence witnesses. Therefore, the complainant strongly opposes the grant of bail to the applicant on the ground that he has repeatedly violated the terms of his bail and poses a continuing threat to the complainant and his family.

8. Learned APP for the State submits that the applicant and his brother have extended threats to the complainant and his family, in respect of which FIR Nos. 575/2022 and 400/2024 have been registered at the instance of the complainant. It is, however, admitted that no arrest has been made in connection with the said FIRs till date.

9. Having heard the learned counsels for the parties and on perusal of the record, it is observed that main basis for the cancellation of bail earlier was the allegation of threats and intimidation extended by the applicant and his brother to the complainant and his family. However, it is not in dispute that the allegations forming the basis of FIR No. 400/2024 primarily pertain to the applicant's brother and not the applicant himself. The Status Report dated 27.01.2025 indicates that, the complainant has alleged that an unknown person wearing a helmet



and covering his face had fired outside his residence, and though the identity of that person could not be established, it was speculated that he “resembled” the applicant’s brother and not the applicant. No weapon has been stated to be recovered. Thus, prima-facie in the absence of any specific or direct allegation against the applicant in the subsequent FIR, his continued incarceration on the basis of speculative or vicarious misconduct cannot be justified.

10. It is further pertinent to note that since the cancellation of bail order dated 24.10.2024, which was upheld by this Court on 06.11.2024, the circumstances have materially changed. The prosecution has examined the key witnesses, including four members of the complainant’s family, whose testimonies form the core of the prosecution case. The learned APP under instructions submits that father of victim is suffering from ill health and not being in a position to attend the court proceedings shall be dropped from the list of witnesses. Once the material witnesses have been examined, the apprehension of threat, intimidation, or influence over them substantially diminishes. It is pertinent to note that the threats that were extended to the complainant and his family by the applicant was prior to the completion of examination of key witness and now that the family of the deceased has since been examined and their examination is complete the apprehension of influencing or intimidation has been substantially mitigated. The investigation in FIR Nos. 575/2022 and 400/2024 is still pending, and no charge-sheet has been filed despite



considerable lapse of time. In such circumstances, the continued detention of the applicant would amount to pre-trial punishment, contrary to the settled principles governing the grant of bail.

11. The Supreme Court in *Sanjay Chandra v. CBI* (2012) 1 SCC 40, *inter alia* held as under;

*“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. **The object of bail is neither punitive nor preventative.** Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. **The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.***

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.

23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an



unconvicted person for the purpose of giving him a taste of imprisonment as a lesson.

25. The provisions of CrPC confer discretionary jurisdiction on criminal courts to grant bail to the accused pending trial or in appeal against convictions; since the jurisdiction is discretionary, it has to be exercised with great care and caution by balancing the valuable right of liberty of an individual and the interest of the society in general. In our view, the reasoning adopted by the learned District Judge, which is affirmed by the High Court, in our opinion, is a denial of the whole basis of our system of law and normal rule of bail system. It transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognised, then it may lead to chaotic situation and would jeopardise the personal liberty of an individual.

*26. This Court, in **Kalyan Chandra Sarkar v. Rajesh Ranjan** [(2005) 2 SCC 42 : 2005 SCC (Cri) 489] observed that: (SCC p. 52, para 18)*

*“18. ... Under the criminal laws of this country, a person accused of offences which are non-bailable is liable to be detained in custody during the pendency of trial unless he is enlarged on bail in accordance with law. Such detention cannot be questioned as being violative of Article 21 of the Constitution, since the same is authorised by law. **But even persons accused of non-bailable offences are entitled to bail if the court concerned comes to the conclusion that the prosecution has failed to establish a prima facie case against him and/or if the court is satisfied by reasons to be recorded that in spite of the existence of prima facie case, there is need to release such [accused] on bail, where fact situations require it to do so.**”*

12. Considering the totality of facts and circumstances, including the fact that the applicant was earlier on bail for more than 3 years i.e., from 09.04.2021 to 06.11.2024, that the allegations in the subsequent



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FIRs relate to his brother, and that all material witnesses have been examined which reduces the risk of tampering or influencing witnesses, this Court is of the view that the changed circumstances warrant reconsideration of the applicant's liberty. Therefore, this Court deems it appropriate to allow the present petition. Accordingly, the applicant is directed to be released on regular bail in FIR No. 150/2021, subject to his furnishing a personal bond of Rs. 30,000/- with a surety of the like amount to the satisfaction of the Trial Court/Duty MM and subject to the following conditions:

- a) The applicant shall regularly appear before the trial court as and when directed;
- b) that applicant shall not try to contact any of the prosecution witnesses and shall not directly or indirectly threaten or intimidate the witnesses;
- c) the applicant shall remain available on the address, to be given to the IO and shall not leave the State of Delhi/NCT without the permission of the learned Trial Court;
- d) In case of change of residential addresses and/or mobile number, the applicant shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit; and
- e) Upon being released, applicant shall share his mobile number to the IO and shall keep the same operational all the times.



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13. In view of the above, the petition alongwith any pending application, if any, stand disposed of.

14. Nothing stated herein shall tantamount to be an expression in the merits of the case.

RAVINDER DUDEJA, J

OCTOBER 14, 2025/na

