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

+ **BAIL APPLN. 198/2025**

KULDEEP KUMAR

.....Petitioner

Through: Mr. Vijay Kinger, Mr. Ashwani
Gehlot and Ms. Roopa Nagpal,
Advocates.

versus

STATE -GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State
with SI Pankaj Kumar, PS Jyoti
Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **20.01.2025**

CRL.M.A. 1391/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. The Bail Application under *Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'B.N.S.S.')* (earlier known as *Section 439 Cr.P.C.*) read with *Section 528 of the B.N.S.S.* (earlier known as *Section 482 Cr.P.C.*), has been filed on behalf of the Applicant/Parokar, for grant of Regular Bail to the Petitioner (husband) Kuldeep Kumar in the Case FIR No. 30/2020 under Sections 498A/304B/406/34 of the *Indian Penal Code, 1860 (hereinafter referred to as 'IPC')* registered at Police Station Jyoti Nagar.
4. It is submitted that the Petitioner is in judicial custody since



31.01.2020. He was granted interim bail and he has duly complied with the terms and conditions and never misused the liberty so granted to him.

5. The investigations are already complete and the Charge-Sheet has been filed in the Court. All the co-accused are on bail. The Anticipatory Bail was granted by this Court to the co-accused Chandki Ram (father) *vide* Order dated 03.02.2021. He has died during the pendency of the present proceedings.

6. The Anticipatory Bail was also granted to Smt. Santosh Devi (mother) *vide* Order dated 03.02.2021. The sister-in-law (nanad) Amresh has also been admitted to bail on 03.02.2021.

7. It is submitted that the Petitioner has clean antecedents and has never been implicated in any other FIR. He is no longer required for investigations. Even the Charges have not been framed till date. The Petitioner cannot be kept in jail for the negligence and delay by the State.

8. There are 21 witnesses recited by the prosecution, which would take time to conclude the trial. Hence, the Regular Bail is sought.

9. **The State had filed a Status Report-cum-Reply** before the learned ASJ wherein the objections were taken that the Applicant was actively involved in the commission of offence, which involves serious allegations of dowry demand and harassment leading to consequent demise of Smt. Savita. From the statement of the prosecution witnesses, it is apparent that everything was not well and there were regular incidences of quarrel and discord in the matrimonial home. There are specific allegations of the father of the deceased that Rs.1.5 Lakhs in three instalments of Rs.50,000/- each was provided to the Petitioner and his family members. There is also evidence/history of quarrels/assaults and there are two MLCs dated



21.09.2015 and 07.10.2015 wherein the deceased had suffered injuries. The Bail Application is strongly opposed.

10. **Submissions heard and the record perused.**

11. The Petitioner had got married to Smt. Savita on 08.05.2014. She died on 30.01.2020 due to hanging. The post mortem was conducted wherein the cause of death has been given “**as asphyxia as a result of ante mortem hanging.**” The Petitioner is the husband who is in custody since 31.01.2020. Though, the Charge-Sheet has been filed on 27.04.2020, but unfortunately, trial has not proceeded. Even now the matter is listed for arguments on Charge. There are 23 witnesses who are thereafter to be recorded.

12. In the Case of Manish Sisodia vs. Directorate of Enforcement, 2024 INSC 595, the Apex Court observed that prolonged incarceration due to delay in trial before being pronounced guilty of an offence, should not be permitted to become a punishment without trial. It was further observed that fundamental right of liberty provided under Article 21 of the Constitution of India, is superior to statutory restriction and reiterated that ‘*bail is the rule and refusal is an exception*’.

13. Considering that the trial would take considerable time, the Petitioner is admitted on Regular Bail, on the following conditions:

- a) The Petitioner/Accused shall furnish a bail bond in the sum of Rs.50,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing.
- c) The Petitioner/Accused shall provide mobile number to the IO concerned which shall be kept in working condition at all



times and he shall not change the mobile number, without prior intimate to the Investigating Officer concerned.

d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

e) In case of change of the residential address, the same shall be intimated to this Court and in the Police Station, by the Petitioner.

14. A copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.

15. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 20, 2025/RS