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

+ **BAIL APPLN. 237/2025**

PANKAJ SHARMA

.....Petitioner

Through: Mr. Rajat Katyal, Mr. Akash,
Mr. Kartik Kumar and Mr. Sparsh
Agarwal, Advocates.

versus

THE STATE GOVT NCT OF DELHI

.....Respondent

Through: Mr. Raghvinder Varma, APP for the
State with Insp. Amit Dutt Sharma,
PS Kotla Mubarakpur, Delhi
Mr. Aprameya Jaiswal, Mr. Ashwani
Kr. Dubey, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.05.2025

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1. The present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹, seeks grant of pre-arrest bail in FIR No. 222/2024 dated 2nd July, 2024, registered under Sections 80, 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023², at P.S. K.M. Pur.

2. As directed by the Court *vide* order dated 21st January, 2025, the Applicant has joined investigation and appeared before the Investigating Officer³. The investigation now stands complete and the chargesheet has been filed.

¹ "BNSS"

² "BNS"

³ "IO"



3. In light of the above, Applicant's presence for investigation purposes is no longer necessary. Nonetheless, the Applicant undertakes to remain cooperative and join investigation, in case so required.

4. Considering the fact that in the initial FIR, the Applicant was not named, and subsequent to its registration, in the statement under Section 180 of BNSS, there are no specific allegations implicating the Applicant in the present case and further the crux of the allegations made in the suicide note pertain to her husband's extra marital affair, the Court considers it appropriate to allow the petition.

5. It is well established through a catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴

6. In view of the foregoing, the application is allowed. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall give his mobile number to the concerned IO/SHO

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



and shall keep his mobile phone switched on at all times;

7. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

8. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

9. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

MAY 22, 2025/ab