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

+ **BAIL APPLN. 453/2025**

VIKKI MAAN @ MANU

.....Petitioner

Through: Mr. Pradeep Rana, Mr. Narender
Rana, Mr. Ankit Rana, Mr. Gagan
Bhatnagar, Ms. Tanisha Jain and
Mr. Tushar Rohmetra, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Mr. Vivek Singh, Insp., PS-
Alipur.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **24.04.2025**

1. The present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 439 of Code of Criminal Procedure, 1973²) seeks regular bail in FIR No. 440/2019 under Sections 302 of Indian Penal Code, 1860³ registered at P.S. Alipur. Subsequently, a chargesheet has also been filed against the Applicant under Sections 302 and 201 of the IPC.

2. Briefly stated the case of the prosecution is as follows:

2.1. On 12th November, 2019, a PCR call was received regarding an unconscious woman found in Room No. 304 of OYO Flagship Hotel, Alipur, Delhi. The information was recorded *vide* DD No. 12-A and assigned to SI Sandeep, who reached the location and found a woman lying unresponsive. She was immediately shifted to SRHC Hospital, where she

¹ "BNSS"

² "Cr.P.C."



was declared brought dead. In view of the circumstances, FIR No. 440/2019 under Section 302 IPC was registered at Police Station Alipur and investigation was initiated.

2.2. The deceased's body was sent for post-mortem to BJRM Hospital. Simultaneously, scrutiny of the hotel records revealed that the deceased, identified as one Pooja, had checked into the hotel on the previous date along with the Applicant, Vikki Maan. Efforts were made to trace the Applicant, who was apprehended later the same day.

2.3 During interrogation, the Applicant disclosed that he was in a relationship with the deceased and had invited her to the hotel on 11th November, 2019, to celebrate his birthday. However, an altercation ensued between them, during which he allegedly strangled her.

2.4 As per the postmortem report, the cause of death was opined to be manual strangulation. The body of the deceased were handed over to her family. After the completion of investigation, a charge sheet was filed naming the Applicant, and trial proceedings commenced, with the prosecution having cited 29 witnesses.

2.5 During the pendency of the trial, the Petitioner moved two applications seeking regular bail before the Trial Court. While the first bail application of the Applicant was dismissed as withdrawn, the second bail application was dismissed on merits, keeping in view the gravity of the offence.

3. Mr. Pradeep Rana, counsel for Petitioner submits that irrespective of the other grounds urged, the Applicant is entitled to bail on account of the prolonged incarceration and continuing violation of his rights under Article

³ "IPC"



21 of the Constitution of India. In this regard, it is contended as follows:

3.1 The Applicant has been in judicial custody for nearly five and a half years as an undertrial. The trial has made negligible progress, and the delay is not attributable to the Applicant. The State is unable to offer any concrete timeline for the conclusion of proceedings. In such circumstances continued incarceration amounts to a denial of personal liberty and the right to a speedy trial.

3.2 The prosecution witnesses examined thus far have not supported the case of the prosecution.

3.3 On merits, it is submitted that the Applicant has been falsely implicated. Prosecution's case is not supported by any direct evidence linking the Applicant to the commission of the offence. The case rests entirely on circumstantial evidence, particularly the oral statements of alleged "last seen" witnesses, a category of evidence considered to be weak and requiring strong corroboration. The prosecution has yet to record the statements of these key witnesses, thereby compounding the infringement of the Applicant's rights under Article 21.

3.4 Till date, only two out of the twenty-nine listed prosecution witnesses have been examined, and the testimony of the third witness remains incomplete. The delay is further aggravated by the present vacancy in the office of the Presiding Officer of the Trial Court. As such the Applicant ought to be granted bail. In support of this submission, reliance is placed on the decision of Supreme Court in ***Tapas Kumr Patil v. State of Chhattisgarh***⁴, wherein bail was granted notwithstanding the gravity of the charge, in view of inordinate delay and the absence of any clear timeline for



completion of trial. Further reliance is placed on *Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari v. State of UP*⁵, where the Supreme Court reiterated that the right to a speedy trial is an essential facet of Article 21. It is emphasised that if the alleged offence is of a serious and grievous nature, it is all the more necessary for the prosecution to ensure that the trial is concluded expeditiously. When the trial gets prolonged due to no fault of the accused, it is not open for the prosecution to oppose the bail of an under-trial, on the ground that the charges against them are serious. The bail of an under-trial ought not to be denied merely on the ground of seriousness of charge, when there is no end in sight for the trial to conclude.

4. On the other hand, Mr. Amit Ahlawat, APP for State, opposes the bail application on the following grounds:

4.1. The delay in progress of the trial cannot be attributed solely to the prosecution. A substantial portion of the delay is attributable to the vacancy in the post of the Presiding Officer of the Trial Court, an administrative issue entirely outside the control of the prosecuting agency. The prosecution has not sought any unwarranted adjournments and has remained ready to proceed as per the Trial Court's schedule.

4.2 Although the State acknowledges that the right to a speedy trial is enshrined under Article 21 of the Constitution of India, and is a principle which is well recognised, however, it is emphasised that the delay in trial cannot override the interest of justice in cases involving heinous offences such as murder. In serious cases such as murder, delay alone cannot become the decisive ground for bail unless it is shown that such delay is wholly

⁴ CRL.A. 738/2025, decided on 14th February, 2025

⁵ CRL.A. 2790/2024, decided on 18th July, 2024



unjustified or attributable to the State. Where the prosecution has acted with diligence, the larger interest of justice must prevail.

4.3 In the instant case, the trial is at a nascent stage where the Prosecution Evidence is being recorded. So far, only 2 prosecution witnesses have been examined, while the 3rd one has been is partially examined. The offence occurred in a closed room and the Applicant was the last person to be seen with the deceased. There is a strong case against the Applicant as per the evidence collected during investigation – including the hotel register where his details are recorded, the forensic evidence linking the Applicant to the scene of the crime and the statement of the witnesses.

4.4 Moreover, considering that the prosecution case hinges on the testimony of key witnesses yet to be examined, the release of the Applicant on bail at this stage would carry a substantial risk of witness tampering or intimidation. It is further submitted that the Applicant was untraceable immediately after the incident and was arrested only later, which supports the apprehension that he may abscond if released on bail.

5. The Court has deliberated on the contentions advanced by the counsel. On 3rd March, 2025, noting the prolonged incarceration, this Court directed the concerned Principal District and Sessions Judge, to submit a status report detailing the progress of trial and reasons for the delay. As per the report received, the charge sheet was filed on 10th February, 2020. Thereafter, due to the COVID-19 pandemic, no effective proceeding could take place from 20th May, 2020 to 10th September, 2021. On 12th November, 2021, charges were framed against the Applicant and the matter was listed for Prosecution Evidence. Thereafter, on 10th May, 2022, PW-1 (Umed Singh) was examined and discharged. On 18th August, 2022, PW-2



(Sunderlal) was examined and discharged. The 3rd prosecution witness, PW Vikas was partially examined on 26th April, 2023 and his further cross examination was deferred due to paucity of time. As per the report received, the Court of ASJ-02, North District, Rohini Courts has been vacant from 13th November, 2024 and as a result, no effective proceedings have taken place for nearly 5 months.

6. A perusal of the report makes it evident that while there has been some delay on the part of the prosecution, a substantial portion of the delay is attributable to the judicial vacancy in the Trial Court. This administrative impediment, though outside the control of prosecution, nonetheless results in the prolonged incarceration of the Applicant, an undertrial, without effective progress in the proceedings. Such delay, regardless of the cause, weighs upon the constitutional mandate of expeditious trial under Article 21 of the Constitution.

7. At the same time, the gravity of the allegations cannot be overlooked. The offence in question involves the alleged manual strangulation of a woman in a hotel room, where the Applicant was last seen with the deceased. The post-mortem report rules out any possibility of accident or self-harm, confirming the cause of death as asphyxia due to ante-mortem manual strangulation. The prosecution case is built on circumstantial evidence, and the testimony of key witnesses, such as the hotel manager, hotel staff present during the relevant period, and the “last seen” witness, will be crucial. In this backdrop, the State’s apprehension regarding potential witness intimidation cannot be brushed aside, especially as these witnesses are yet to testify.

8. In view of the above, while this Court does not find it appropriate to



enlarge the Applicant on bail at this stage, it deems it necessary to ensure that the trial proceeds with due expedition. Accordingly, the following directions are issued:

- a. The Trial Court shall make all endeavours to examine the material prosecution witnesses, namely: (1) Deepak; (2) Bhushan Kumar and (3) Ravi Kumar, within a period 6 months.
 - b. In case, the Court of ASJ-02, North District, Rohini Courts still remains vacant, the Principal District and Sessions Judge, Rohini Courts is requested to allocate the matter to another Court of competent jurisdiction so as to avoid further delay in the conduct of the trial.
9. With the above directions, the present petition is disposed of.
10. Copy of the order be sent to the Principal District and Sessions Judge, Rohini Courts for necessary information and compliance.

SANJEEV NARULA, J

APRIL 24, 2025

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