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

+ **BAIL APPLN. 476/2025**

SHAHNAWAZ @ SONU

.....Petitioner

Through: Mr. Hiren Sharma, Mr. Vimal Tyagi, Mr. Sudhabshu Tyagi, Mr. Balaji Pathak, Mr. Tripurari Jha & Mr. Akshay Rathi, Advocate

Versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, Additional Public Prosecutor for Respondent-State
Mr. Suraj Prakash Singh &
Ms. Sukriti Pratap, Advocates for Complainant

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

27.03.2025

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1. Second Bail Application under Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'CrPC'*) read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*), has been filed on behalf of the Petitioner for grant of Regular Bail in FIR No. 297/2022, under Sections 304B/498A/34 IPC, registered at Police Station Narela Industrial Area, Delhi.
2. It is stated in the Application that marriage of Petitioner with Najnin was performed on 31.03.2019 and after marriage, she started staying with Petitioner-husband in her matrimonial home. The allegations



have been made that after one year of her marriage with Petitioner, her husband i.e. the Petitioner and her sister-in-law (*Petitioner's sister*) subjected the deceased to cruelty, which was of such a nature that she committed suicide on 29.03.2022 at about 02:00 a.m. After completion of investigation, the FIR No. 297/2022, under Sections 304B/498A/34 IPC, was registered Police Station Narela Industrial Area, Delhi and the Applicant was arrested on 23.04.2022.

3. Petitioner has sought bail on the ground that he has been falsely implicated in this case, as the Applicant and deceased had happy married life. It is also asserted that there are no allegations of harassment or cruelty of any kind during the said period. The angle of cruelty has been intentionally added by the Complainant, who falsely implicated the Applicant; the reality is that there was never any incident of deceased being subjected to cruelty.

4. It is further asserted that the Applicant is in judicial custody since 23.04.2022. His earlier Bail Application was withdrawn *vide* Order dated 04.07.2024 with liberty to move a fresh Application after recording of material witnesses.

5. It is submitted that till now, only one prosecution witness has been examined and testimony of PW-2, mother of the deceased, is pending for last more than one year. It is also submitted that the trial shall take substantial time and bail be granted to the Applicant.

6. Learned Counsel for the Applicant has submitted that the Post Mortem Report reveals that the death was cause of death was 'Asphyxia due to ante-mortem hanging' and no injury was present on the body of



the deceased, which shows that the deceased was never subjected to cruelty or physical harassment.

7. Reliance is placed on *Nitin Kumar Vs. State* 2015 AD (Delhi) 109, wherein this Court considering that Charge-sheet has been filed and witnesses sought be examined are mostly family members and there was hardly any change of tampering with the evidence, granted bail to the accused.

8. It is submitted that Applicant has clear antecedents, no previous involvement in any kind of criminal activity and he deserves to be released on bail.

9. *In the Status Report filed on behalf of Respondent-State* it is stated that Charge in the present case has been framed on 04.08.2022 and out of 28 prosecution witnesses, seven are material witnesses. One witness PW-1 has been examined and second material witness PW-2 is partly examined and five material witnesses are yet to be examined.

10. *Learned Additional Public Prosecutor for Respondent-State* has strongly opposed the Bail Application as material witnesses are yet to be examined.

11. *Submissions heard and record perused.*

12. It is an unfortunate case where wife of the Applicant lost her life by hanging herself. It cannot be overlooked that as per the Complainant, deceased had a fight with her husband after which he had left the matrimonial home and went back to his native village. The parents of the deceased were present in the house at that time, who had stayed there after the Applicant had left. It is at that time, in the middle of the night, the deceased committed suicide by hanging herself.



13. Pertinently, the testimony of the witnessed has been put on hold for want of FSL Report since last one year. Thus, it is evident that the trial is going to take long time. Furthermore, all the witnesses are family members and there is no likelihood of their being influenced or threatened by the Applicant.

14. Considering the totality of the circumstances as narrated above and the fact that Applicant is in judicial custody since 23.04.2022, the Applicant is admitted to Regular Bail in FIR No. 297/2022, under Sections 304B/498A/34 IPC, registered at Police Station Narela Industrial Area, Delhi upon his furnishing a personal bond in the sum of Rs. 25,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions: -

- a) Petitioner shall not leave Delhi/NCR without prior permission of the Court;
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing;
- c) Petitioner shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times and in case he changes the mobile number, he would intimate the Investigating Officer concerned;
- d) Petitioner shall inform the IO and the Jail Superintendent of the address where he shall be available in Delhi; and
- e) Petitioner shall not try to contact, threaten or influence any of the witnesses of this case.

15. The Registry is further directed to communicate this Order to the learned Trial Court and as well as to the concerned Jail



Superintendent.

16. Accordingly, the present Bail Application and pending Application are disposed of.

NEENA BANSAL KRISHNA, J

MARCH 27, 2025

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