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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 6th March, 2025*+ **CRL.M.C. 1590/2025****MEENU SALUJA**

W/o Jagjeet Singh Saluja

R/o H.No.C-204, Gali No.34,

South Anarkali Delhi, Jagatpuri,

Shahdara, Delhi.

.....Petitioner

Through: Mr. Osama Suhail and Mr. Karan
Seth, Advocates.

versus

1. **STATE (GOVERNMENT OF NCT OF DELHI)
THROUGH SHO, P.S. JAGAPURI, NEW DELHI**
538/A, Nala Road,
Jagatpuri, Delhi-110051.

2. **AMANDEEP SINGH**
S/o Sh. Taljeet Singh
R/o H.No.122 & 135,
1st Floor, New Layalpur, Delhi,
Jagat Puri, Shahdara,
Delhi.

.....Respondents

Through: Ms. Meenakshi Dahiya, Ld. APP for
the State with Insp. Abhishek Kumar
Singh SHO and SI Sunit P.S Jagat
Puri.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**



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JUDGMENT (oral)

CRL.M.A. 7171/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

CRL.M.C. 1590/2025

3. Petition under Article 227 of the *Constitution of India* read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* ('BNSS' *hereinafter*) has been filed on behalf of the Petitioner/Complainant against the Order dated 17.02.2025 vide which the Respondent No.2-Amandeep Singh has been granted Interim Bail from 07.03.2025 till 27.03.2025 on account of the 12th class Board Examination of his child.

4. *Learned counsel on behalf of the Petitioner* submits that it is the most brutal murder committed of a 71 years old father of the Petitioner. He had been brutally locked up on a shop and a ransom of ₹1 Crores was made from the son of the deceased. Thereafter with the help of the Police, the shop where he had been kept confined by the accused was opened, and he was found lying dead and when taken to the hospital, was declared "Brought Dead". The Post Mortem Report gives a prima facie opinion as '*Death due to Asphyxia*', though the Viscera has been sent for chemical analysis for final opinion.

5. It is further submitted that though the Chargesheet got filed on 02.07.2023, but the Respondent No.2 is delaying the trial on the specious ground of the *Chemical Analysis Report* and the *Final Report of the Cause of Death* still being pending. It has been recorded by the learned Trial Court that it is on the insistence of the Respondent No.2 that the Charges have not



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been framed and the benefit of the time so consumed shall not be claimed by the Accused.

6. It is further submitted that it is a case where the accused had forged close relationship with the deceased as they were living in the vicinity and thereafter, involved him in business transactions and then committed the murder in most gruesome manner which has shocked the collective consciousness of the persons residing in the locality. The offence has been committed in the most inhumane manner and grant of Interim Bail would be sending wrong message in the Society that even if the most heinous offence is committed, they can still defeat it with impunity by being admitted to Bail. The criminal jurisprudence should not help and aid such accused who are guilty of such serious offences.

7. It is further asserted that the Complainant is staying in the vicinity and in case the Respondent No.2 is released to Bail, he would come to stay in his house which would create a huge terror in the minds of the Applicant and there is also a possibility of he influencing the other witnesses.

8. Further, it is submitted that considering the gravity of the offence there is every likelihood that Respondent No.2 may jump the bail, for which there would be no remedy. It is also stated that Article 21 which recognizes the right to life and liberty cannot be invoked in cases like the present one, as such rights need to be balanced with the general public good.

9. Learned counsel for the Petitioner has placed reliance on the judgments of this Court in Charan Singh vs. State of NCT of Delhi Bail Appln.4635/2024 decided on 30.01.2025, Varun vs. State (NCT of Delhi) and Ors. Bail Appln.3589/2023 decided on 22.11.2023, Gulkesh Kumar vs.



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The State NCT of Delhi Bail Appln.1007/2024 decided on 23.07.2024 and Angel Gupta vs. State NCT of Delhi Bail Appln.2758/2024 decided on 05.11.2024, to state that in similar circumstances the bail had been denied to the Accused.

10. *Learned Prosecutor accepts Notice of the Petition* and submits that framing of Charges have been delayed only on account of the Respondent No.2 who is taking adjournments on specious grounds. Though there are no eye witnesses to the crime, but there are other material evidences which clearly points to the guilt of the Accused. In the circumstances when no witness has been recorded till date, the impugned Order should be set aside and the benefit of Interim Bail should not be granted to the Respondent No.2/Accused.

11. **Submissions heard and record perused.**

12. The Chargesheet had been filed in the present case on 02.07.2023 and the arguments on Charge are pending due to not receiving of the *Chemical Analysis Report of the Viscera of the deceased*. The ground on which Interim Bail was sought was on account of the 12th Class Board Examination of the child of the Applicant/Accused essentially to provide emotional and moral support in order to be able to take the pressure of the examination.

13. Though the learned Counsel for Petitioner/Complainant had argued that it was a trivial and a frivolous reason, but it is common knowledge that the Board Examination creates immense pressure on the students and the ground of extending moral, emotional and physical support cannot be undermined.

14. There is no ground for cancellation the Interim Bail as granted by



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learned ASJ. In so far as the apprehension is expressed by the Complainant that there may be threatening of the witnesses and tampering of evidence, the same has been sufficiently taken care of by imposition of requisite conditions by the learned ASJ.

15. The judgments of Charan Singh (supra), Varun (supra), Gulkes
Kumar (supra) and Angel Gupta (supra) on which reliance has been placed by the Petitioner/Complainant are on their individual facts while considering grant of regular bail and cannot be considered as stating a proposition of law to be followed in every such case. The judgments are, therefore, distinguishable.

16. There is no merit in the present Petition which is hereby, dismissed.

(NEENA BANSAL KRISHNA)
JUDGE

MARCH, 06, 2025

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