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

+ **BAIL APPLN. 1232/2025**

JAGDISH ALIAS JAGGI

.....Petitioner

Through: *Appearance not given.*

versus

**THE STATE (NCT OF DELHI) THROUGH SHO OF PS LAJPAT
NAGAR DELHI**

.....Respondent

Through: Mr. Mukesh Kumar, APP for the
State along with SI Deepak Kumar,
PS Lajpat Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.09.2025

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 693/2016 registered under Sections 302/342/449/450/380/34 of the Indian Penal Code, 1860³ at P.S. Lajpat Nagar. A chargesheet has also been filed against the Applicant under Section 174A IPC.

2. The case of the prosecution is as follows: -

2.1 The Complainant, Monika Kapoor, and her father were living in a rented house in Nehru Nagar, paying INR 9,000 per month with an advance

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



of INR 2,00,000 given to the owner, Sumitra Devi. After one year, when they sought to renew the rent agreement, Sumitra's son, Rakesh, refused and pressured them to vacate. Despite a legal notice sent by Monika's father to recover the advance, the owners refused and threatened them.

2.2. On 18th October, 2016, Sita (owner's daughter), her husband Rakesh, and others, including Sandeep and unknown persons, threatened and violently assaulted Monika's father and her. They beat him severely, causing him to lose consciousness, locked them inside the house, and later threw her unconscious father into a park. Monika called the police. A PCR van arrived and shifted her father to Moolchand Hospital, and thereafter he was referred to Safdarjung Hospital. Despite treatment, her father succumbed to the injuries sustained from the assault.

2.3. During investigation, Rakesh, Sandeep, R. Bobby (Poonam), and Sita were arrested and interrogated. Rakesh and Sandeep disclosed the identities of co-accused Jagdish @ Jaggi (the applicant) and Sardar Kulvinder Singh @ Vicky, who absconded and were declared proclaimed offenders by the court. Jagdish was arrested on 15th July, 2022. However, due to the absence of the complainant, TIP proceedings could not be conducted. Despite efforts, the complainant could not be traced at her given addresses or through official records. Jagdish is also charged for offence under Section 174A IPC for evading court summons.

3. Counsel for the Applicant submits that the Applicant has been falsely implicated. This is substantiated by the fact that the complainant herself has turned hostile during cross-examination and has not supported the prosecution's case. Given that the primary witness has retracted her earlier statements, the prosecution's case against the Applicant is weakened.



Furthermore, it is submitted that all other co-accused, namely Rakesh Kumar, Sita, Sandeep, and Poonam, have already been granted bail by the Trial Court. Moreover, the Applicant has already been in custody for nearly 3 years. In light of these circumstances, the Applicant submits that he is entitled to be released on bail.

4. On the other hand, Mr. Mukesh Kumar, APP for the State, opposes the grant of bail. He submits that the Applicant is implicated in a heinous offence of murder, which is grave in nature. Furthermore, the Applicant had evaded the process of the court and has been charged under Section 174A IPC for avoiding summons. Considering these factors, the Applicant poses a risk of absconding if released on bail. Therefore, it is prayed that the bail application be dismissed.

5. The Court has considered the facts and the submissions advanced. It is well established through 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. Though the prosecution's case involves the serious offence of murder under Section 302 IPC, the entire case depends mainly on the testimony of the complainant. However, during her cross-examination, Monika has turned hostile and has not supported the prosecution's version. She has stated during cross-examination that the incident did not occur in her presence, the accused did not assault her or her father, and that she does not know who caused the injuries. Due to the witness turning hostile and not supporting the

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



prosecution, the prosecution has even dropped Monika Kapoor from its list of witnesses. At the time of recording of the statement, the applicant had not been arrested. Nonetheless, the other co-accused namely, Rakesh Kumar, Sita, Sandeep and Poonam have been granted bail by the Trial Court. It is also noted that, the Applicant has already undergone 3 years of custody and his conduct inside the jail has been recorded as satisfactory. Furthermore, as per the nominal roll, there are no other criminal cases pending against him.

7. Taking into account that all material witnesses have been examined, the complainant, who is the sole-eye witness, has turned hostile, the Applicant has been in custody for over three years, and applying the principle of parity, the Applicant is entitled to be released on bail. Accordingly, the Applicant is admitted to bail subject to the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;



- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- g. The Applicant shall report to the concerned PS on first Friday of every month;
8. 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.
9. 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.
10. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

SEPTEMBER 22, 2025
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