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

+ **BAIL APPLN. 1421/2025**

UMA LAMBA

.....Petitioner

Through: Mr. N. Hariharan, Senior Advocate
with Mr. Siddharth S. Yadav, Mr.
Rahul, Ms. Kashish Ahuja, Mr.
Ayush Kumar singh, Ms. Sneha
Bakshi, Mr. Rahul Yadav, Mr. Aman
Akhtar, Mr. Vinayak Gautam, Ms.
Sona Singh, Ms. Vasundhra N., Mr.
Himanshu Seharawat and Ms. Rekha
Punya, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

09.04.2025

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CRL.M.A. 11083/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

BAIL APPLN. 1421/2025

3. First Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*erstwhile Section 438 of the Code of Criminal Procedure, 1973*) has been filed on behalf of the Applicant, Uma Lamba for grant of Anticipatory Bail and release on Bail in the event of arrest in FIR No. 0705/2024 under Section 498A/406/34 of the Indian Penal Code, 1860



and Section 85/316/3(5) of the Bharatiya Nyaya Sanhita, 2023, dated 03.12.2024 registered at Police Station Palam Village, District South-West.

4. The Applicant had approached the learned Sessions Court seeking Anticipatory Bail, however, the same was dismissed *vide* Order dated 01.04.2025.

5. At the outset, it is submitted that the Applicant is a law abiding citizen and has clean antecedents. She is 21 years old and is currently pursuing her M.Sc. from IGNOU. It is asserted that she has been wrongly and falsely implicated in the present case, being the sister of Pankaj Lamba, the main accused who was the husband of the Complainant's daughter/Ms. Harshita Barela (since deceased).

6. Pankaj Lamba and Harshita Barela got married on 22.03.2024 according to Hindu rights and ceremonies, in an arranged marriage. It was alleged by the Complainant that the co-accused and his family had subjected the Complainant's daughter and her family to cruelty and harassment connected to dowry demand, even prior to the solemnisation of their marriage.

7. After the marriage, the co-accused moved to the United Kingdom, while the Complainant's daughter moved into her matrimonial home in Dharoli. She was allegedly subjected to harassment and cruelty, which led her to leave the matrimonial home and stay at her parental house. She later moved to Corby City, United Kingdom, on 30.04.2024, where the cruelty persisted until her death on 14.11.2024. The Complainant was informed about her death on 15.11.2024.

8. It is further submitted that the co-accused, Satinder Kumar who is the uncle of the Applicant, has been granted interim protection in the subject



FIR by this Court, subject to him joining the investigation.

9. **The Applicant**, submits that the FIR does not disclose any allegation of cruelty/harassment at the instance of the Applicant “*soon before the death*” which resulted the dowry death. The deceased had moved to United Kingdom shortly after her marriage and there was thus, no proximate and live link between the alleged dowry death and cruelty being meted out against the Applicant. Thus, addition of 304B IPC to the FIR is prima facie false and holds no water.

10. Reliance has been placed on the case of Manohar Lal vs. State of Haryana, (2014) 9 SCC 645 wherein the Hon’ble Supreme Court held that “*Facts must show existence of proximate live link between the effect of cruelty based on dowry demand and death of victim*”.

11. Reliance has also been placed Balwant Singh and Anr. vs. State of Punjab, (2004) 7 SCC 724, the Hon’ble Supreme Court held that since one of the ingredients of the offence under Section 304B IPC is that cruelty should have been meted out to the deceased soon before her death, it is for the prosecution to establish affirmatively that the victim was subjected to cruelty and harassment based on dowry demand soon before her death.

12. It is submitted that the Applicant has clean antecedents and she undertakes that she will not flee from justice if is admitted to Bail and is ready and willing to co-operate with administration of justice.

13. Furthermore, the grant of Bail is a norm and refusal thereof is exception and the Courts should exercise the discretion of Bail judicially and the Bail should not be denied to an accused only as a punishment.

14. Thus, it is prayed that Anticipatory Bail be granted to the Applicant.

15. In the **Status Report** filed on behalf of the State before the learned



Sessions Judge wherein it is submitted by the Complainant, Mr. Satbir Singh, the father of the deceased, namely, Ms. Harshita Barela that she was not treated well by her husband and her in-laws and they intended to kill her for money. It was also mentioned that Rs.15,00,000/- were paid to the family of Mr. Pankaj Lamba for visa of UK in September, 2024. The deceased filed a domestic violence Complaint against her husband, Mr. Pankaj Lamba, for beating in dowry demands. It was further stated that on 10.11.2024 at 10:00 p.m, his daughter made a video call to him wherein she was continuously crying and was saying that she be taken away or her husband may kill her. Sister-in-law, Ms. Uma also used to threaten her on phone call from India. The Statement of the parents of the deceased, namely, Smt. Sudesh and Complainant, Mr. Satbir Singh, were recorded by the SDM on 30.11.2024 wherein they sated that dowry demands of huge cash and jewellery was being made by the husband and his relatives from the deceased since the date of her marriage and she was being regularly harassed and tortured on this account. She was also threatened that in case, the demands were not fulfilled, she would have to bear the consequences.

16. On 01.12.2024, the dead body of Ms. Harshita Barela was received in India with CORONER'S CERTIFICATE OF TRUE FACT OF DEATH, in which the cause of death was mentioned as "Manual Strangulation" (Pending toxicology and histology). On 03.12.2024, a penal of doctors headed by Dr. B.N. Mishra, HOD Department of Forensic and Medicine, DDU Hospital, gave a recommendation that "the post-mortem was conducted on the same day by prevailed practice of autopsy through coroner certification. As per produced certificate from concerned coroner, it is stated that the deceased was died due to "manual strangulation", which is a



“homicide” in nature. On the basis of the CORONER’s Certificate initially, the FIR No. 0705/2024 under Section 498A/406/34 of the IPC was registered at Police Station Palam Village, District South-West on 03.12.2024.

17. During the course of investigation, after obtaining the legal opinion, Section 304B of IPC was also added.

18. During the investigation, the Bank Account Statement of the deceased was obtained and it was found that between 03.02.2024 to 17.02.2024, around Rs.15,00,000/- were received in her Account, which were transferred by the relative of the deceased’s husband and between 24.04.2024 to 17.05.2024 about Rs.15,00,000/- had been transferred back to the Account of said relative.

19. It was further stated that during the course of investigation, the Complainant provided the e-mail sent to him by Independent Office for Police Conduct (IOPC) UK Police Department wherein it was mentioned that at 11:34 p.m., friend of women ‘A’ informed the Northamptonshire Police that a call had been received from the husband of women ‘A’ revealing that he has murdered her on 11th November and fled to India. The women ‘A’ was in her husband’s car parked at Ilford. The Police reported the matter to Metropolitan Police, who traced the car at around 12:40 a.m. on 14th November, in which the women ‘A’ was found dead. LOC of the main accused, Mr. Pankaj Lamba was requested to be opened for which Letter was addressed to Bureau of Immigration. During the investigation, LOC of Mr. Pankaj Lamba has been opened *vide* No. 20244410032.

20. The Bail Application was opposed on the grounds that there were specific allegations of demand of dowry and harassment; that the Petitioner



had committed heinous crime of murder of the deceased in connivance with the main Accused, Mr. Pankaj Lamba, who was also charged with rape, sexual assault, coercive and controlling behaviour. The main Accused, Mr. Pankaj Lamba is still absconding and proceedings under Section 82 of Cr.P.C. have been initiated. The Applicant, who is the sister of main Accused, Mr. Pankaj Lamba, is absconding and NBWs have been obtained against her. The other two co-accused, Satinder Kumar and Lalita are also absconding. There is every apprehension of tempering of evidence, threatening and influences of witnesses and also that the Applicant may also abscond negating the entire trial. Furthermore, Ms. Sonia, sister of deceased has filed W.P.(C) 1258/2025, which is listed before this Court on 08.05.2025.

21. It is submitted that the Bail Application is liable to be dismissed.

22. **Submissions heard and the record perused.**

23. The only allegation in the FIR made against the Applicant is that when the marriage was being finalised, she had demanded a diamond ring. Further, it is claimed that she also used to threaten the deceased while she was in UK.

24. The deceased had joined her husband in UK and the unfortunate incident of her demise also took place in UK. The Applicant is the sister of the main Accused, Mr. Pankaj Lamba and essentially, the deceased had soon after her marriage left to UK.

25. ***Learned APP for the State*** vehemently opposes the Anticipatory Bail of the Applicant.

26. Essentially, the Applicant herein is the sister of the main accused, who is the husband of the deceased. Applicant has clean antecedents and is



only 21 years old.

27. Furthermore, no Notice under Section 41A CrPC has been issued to the Applicant herein, due to which she has not joined the investigation.

28. Considering the totality of the circumstances, it is directed that in the event of her arrest, the Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer and shall co-operate during the investigations.
- (iii) The Petitioner shall furnish his cellphone number to the Investigating Officer on which she may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
- (iv) The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
- (v) The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

29. The Petition stands disposed of in the above terms.



Copy of the Order be sent to the learned Trial Court for compliance.

NEENA BANSAL KRISHNA, J

APRIL 9, 2025/RS