



2025:DHC:4592



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

% **Date of decision: 28.05.2025**

+ **BAIL APPLN. 2214/2024**

SOFIA KOTI

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Harish
Chand, Mr. Anant Chittoria,
Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP
for State with Insp. Amit
Chaudhary, SI Vinod Kumar,
PS Kishangarh.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. By way of the present petition under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 (CrPC) the petitioner seeks the grant of Regular Bail in FIR No. 111/2023 dated 28.02.2023 for the offence punishable under Section 302 of the Indian Penal Code, 1860 (IPC) registered at Police Station Kishan Garh, Delhi.

2. As per the prosecution, the case pertains to the unnatural death of one Chewang Sherpa, aged 32 years, who was allegedly strangled to death by his wife, the petitioner herein.

3. In the early hours of 24.02.2023, *vide* DD No. 13A, telephonic information was received at Police Station Kishan Garh from



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Safdarjung Hospital, reporting that a patient, Chewang Sherpa, had been brought in an unconscious condition by his wife, the petitioner. The police party reached the hospital and found the patient unfit for a statement. In light of the critical condition of the patient, the investigation was handed over to SI Sushil Kumar.

4. SI Sushil Kumar proceeded to the couple's residence at H.No. 227, Munirka Village, where an inspection was conducted with the assistance of the Crime Team. The petitioner had initially told the police that she had returned from work at around 8:00 PM on 23.02.2023 and found her husband in the bathroom in an unconscious state.

5. Statements of co-tenant Smt. Rejina and landlord Shri Rakesh Sharma were recorded under Section 161 of the CrPC. They confirmed that the deceased and the petitioner frequently quarreled and that on the evening of 23.02.2023, noise had been heard from their flat. An hour later, the petitioner informed Rejina about her husband's condition, following which they, along with Supriya (the petitioner's sister), transported Chewang to the hospital.

6. On 26.02.2023, Chewang Sherpa succumbed to his injuries. A Post-mortem was conducted on 27.02.2023 at Safdarjung Hospital. As per the initial oral opinion of the Autopsy Surgeon, the internal injury on the deceased's neck was consistent with strangulation by ligature.

7. During further inquiry, the petitioner changed her version and stated that when she came home on 23.02.2023, two individuals



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namely Abhishek and Abhimanyu were present in her house and admitted to her that they had strangled Chewang during a fight. The police, upon investigation of the CDRs and verification of travel records, found that both Abhishek and Abhimanyu had left Delhi much earlier and were in Darjeeling on the date of the incident. Their alibis were corroborated by digital and testimonial evidence.

8. Confronted with the falsity of her earlier statement, the petitioner allegedly confessed to the crime. She stated that on the night of 23.02.2023, she had returned home to find her husband consuming drugs and behaving abusively. In a fit of rage, she first assaulted him and then strangulated him using her scarf (*chunni*). She also admitted to inflicting burn injuries on his chest with a heated steel spoon.

9. The scarf used in the act was recovered from the room of the accused at her instance. Subsequently, during police custody remand, the accused led the police team to a plastic box hidden in her room from which she recovered the steel spoon, lighter, and other drug paraphernalia used by the deceased. All these items were seized and sent to FSL/Rohini for examination.

10. The final Post-mortem report confirmed that the cause of death was ante-mortem compression of the neck by ligature. A supplementary charge sheet was filed on 18.05.2024 after receipt of the FSL reports.

11. The applicant was formally arrested on 03.03.2023 and was remanded to judicial custody following police remand. A charge sheet



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under Section 302 of the IPC was filed on 27.05.2023. The petitioner had moved a bail application before the Additional Sessions Judge, which came to be dismissed on 11.03.2024. Thereafter, the present petition has been filed.

12. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He submits that although the prosecution has alleged that the petitioner had strangled the deceased with the help of a *chunni*, the petitioner had taken him to the hospital along with her sister and co-tenant to the Hospital to provide him medical attention and care. He submits that this does not amount to an offence under Section 302 of the IPC.

13. The learned counsel submits that the death of the husband of the petitioner occurred three days after the alleged incident took place and that the death summary report has specifically opined that the cause of death was due to Bradycardia and Cardiac Arrest.

14. To conclude, the learned counsel submits that the petitioner is a young lady, who has been incarcerated for a period of about 02 years and 03 months and only five of the eighteen witnesses cited by the prosecution have been examined so far. In these circumstances, the prolonged incarceration of the petitioner would serve no purpose, therefore, she be released on bail.

15. Opposing the grant of bail, the learned APP for the state submits that the petitioner had strangled the deceased with the help of a *chunni* as she was fed up with him and he kept demanding money



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for drugs. She submits that the said *chunni* has been recovered. Moreso, the petitioner had also inflicted burn injuries on the deceased with the help of a spoon and lighter.

16. The learned APP submits that as per the FSL report and the subsequent medical opinion, it is apparent that the death of the deceased was caused by the ante-mortem compression of the neck by ligature. In these circumstances, she submits that the petitioner may not be entitled to bail.

17. Having heard learned counsel for the petitioner as well as the learned APP for the State and have perused the record, it is not disputed that the deceased was a habitual drug user and, as admitted even in the prosecution case, the couple's relationship was marked by frequent quarrels, largely stemming from the deceased's drug addiction, unemployment, and repeated demands for money. The prosecution alleges that, fed up with this conduct, the petitioner committed the offence in a fit of rage.

18. It is relevant to note that as per the Death Summary report, the cause of death of the deceased is opined to be Bradycardia and Cardiac Arrest. However, the same doctor, in his statement as PW-4 has deposed that the cause of death as Sepsis Acute Kidney Injury.

19. The first information about the incident was given by the petitioner herself, who took the deceased to the hospital along with her sister and co-tenant. There is nothing to suggest that the petitioner attempted to flee or evade the authorities thereafter. This conduct does



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merit consideration when assessing whether the petitioner poses a flight risk or is likely to tamper with evidence.

20. The petitioner is a young woman of about 21 years at the time of the alleged incident, and as per her nominal roll, she has no criminal antecedents. Though the allegations against the petitioner are grave and cannot be lightly brushed aside, the fact remains that she has been in custody for over two years, the trial is likely to take considerable time, and there is no material to suggest that she is a flight risk or likely to influence witnesses, some of whom are independent and have already recorded their statements.

21. Accordingly, in view of the entire conspectus of facts and circumstances as noted hereinabove, the petitioner is admitted to Regular Bail pending Trial in FIR bearing No. 111 of 2023 dated 28.02.2023 for offence under Section 302 of the IPC registered at Police Station Kishan Garh, on his furnishing a personal bond in the sum of ₹ 30,000/- with two surety in the like amount, subject to the satisfaction of the learned Trial Court / CMM / Duty Magistrate and further subject to the following conditions:

- i. The Petitioner shall not leave the NCT of Delhi without prior permission of the learned Trial Court.
- ii. The Petitioner shall report at P.S. Kishan Garh, once a week i.e., every Saturday at 4:00 P.M for marking his presence.
- iii. The Petitioner shall immediately intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change of residential address.



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- iv. The Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - v. The Petitioner is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - vi. 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.
 - vii. The Petitioner shall also 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.
22. It is made clear that no observations made above shall tantamount to be an expression on the merits of the petitioner's case and they have been made for the purpose of consideration of Bail alone.
23. A copy of this Order be sent to the Jail Superintendent concerned for information and necessary compliance.
24. Accordingly, the present Bail Application stands disposed of.

SHALINDER KAUR, J

MAY 28, 2025/FRK

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