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

+ **BAIL APPLN. 2291/2025**

AKBAR

.....Petitioner

Through: Mr. Pushkar Priyadarshi, Advocate.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with Inspector Parmod Kumar, PS –
Begumpur.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

16.09.2025

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1. The applicant herein is before this Court seeking regular bail, having remained under incarceration since 26.03.2025 in a criminal case arising out of FIR No. 210/2025 dated 26.03.2025 for the offences punishable under Section 105 (Punishment for culpable homicide not amounting to murder) of the Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station Begumpur, Delhi.

2. Briefly speaking, *per* FIR, on 25.03.2025, a fight broke out between Adil (son of complainant Safina), and his neighbor Aman (son of Asgar Ali). When Adil informed his family, Safina, along with her children, father Jullu Khan, and mother, went to Asgar Ali's house to inquire. An altercation took place in the street with Asgar Ali's family. During this, Asgar Ali's landlady, Afsar Jahan, called her brother Akbar, who on arrival started quarrelling. Akbar held complainant's father, Jullu Khan, by the collar



despite knowing he was a heart patient. Jullu Khan fainted, collapsed, and was rushed to BSA Hospital, where he was declared dead at 6:02 PM.

2.1 The police, acting on DD No. 104A, reached the spot and hospital, obtained MLC No. 5236/25, and preserved the body in the mortuary under Token No. 284/25. As no statement was initially recorded, DD No. 101 & 104 were kept pending. On 26.03.2025, postmortem was conducted under PM No. 223/25, and the body was handed over to relatives. Investigation ensued and applicant was arrested.

3. In view of the aforesaid, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would argue on lines of grounds pleaded in the petition *inter alia* urging as below:-

4.1 That as per the postmortem report, no external injury was found on the body of the deceased. The internal examination revealed 100% blockage in the left anterior descending artery and 90–95% blockage in the left circumflex artery. The cause of death has been opined as “Death due to coronary artery disease a natural cause.” Thus, the allegation of the applicant’s act being the proximate cause of death is without medical or legal basis.

4.2 That Dr. Rakesh Sood, the treating doctor of the deceased, has certified that the deceased had long-standing heart disease and was irregular in follow-up visits (only once in 2–3 years). This supports the finding that the death was on account of natural causes and not due to any alleged act of the applicant.

4.3 That the complainant’s first statement did not mention that the applicant had knowledge of the deceased’s medical condition. The



subsequent “improved version” introduced later clearly reflects an attempt to falsely implicate the applicant.

4.4 That the incident stemmed from a minor quarrel between children. The complainant’s family, instead of pacifying, escalated the situation by attempting to beat a minor child. The matter further worsened, and the police were called, as recorded in GD Entry No. 101A. This shows the absence of any deliberate act or criminal intent attributable to the applicant.

4.5 That the charge sheet has already been filed, and nothing incriminating is to be recovered. The applicant has fully cooperated with the investigation, hence no further custodial interrogation is required.

4.6 That bail is the rule and jail is an exception. The object of bail is neither punitive nor preventive but only to secure the appearance of the accused at trial. The gravity of the alleged offence alone cannot justify denial of bail, particularly where evidence points towards natural death.

4.7 That the applicant has no previous criminal record, is employed in daily wage work to support his family, and is trying to lead a law-abiding life. He has deep roots in society, thereby eliminating any apprehension of absconding or tampering with evidence.

4.8 That the applicant undertakes to cooperate with the trial, appear before the Court on every date, and abide by any condition imposed, including furnishing sound sureties and bail bonds to the satisfaction of this Court.

4.9 That it is a well-settled principle of criminal jurisprudence that an accused is presumed innocent until proven guilty. The present applicant, therefore, deserves the benefit of bail, as continued incarceration without trial would amount to pre-trial punishment.



5. The learned APP for the State has opposed the bail application on the ground that the petitioner's role is directly supported by eyewitness statements, which consistently attribute the act of assault to him. Though the postmortem indicates death due to coronary artery disease, the petitioner's physical assault, coupled with his knowledge of the deceased's medical vulnerability, aggravated the situation and precipitated the fatal outcome. Granting bail at this stage carries a reasonable apprehension of witness tampering, given that both parties reside in the same locality, and may also cause public disquiet and disturb law and order. Considering the gravity of the allegations, the possibility of interference with trial, and the serious nature of the offence, the applicant does not deserve the concession of bail.

6. I have heard the submissions of both sides and perused the case file. While certain arguments raised by the learned counsel for the applicant regarding his non-culpability may have some merit, those issues can only be adjudicated during the trial. However, at this stage, I am of the considered view that the applicant deserves to be released on bail during the pendency of the proceedings, for the following reasons.

7. Argument is that the postmortem report found no external injuries; internal examination revealed severe coronary artery blockages, with death opined as due to natural causes of heart disease. The treating doctor confirmed the deceased had longstanding cardiac illness with irregular follow-ups, reinforcing that death was not caused by any act of the applicant. Having perused the post-mortem report, it appears to be a case of bail. For ready reference, the same is reproduced hereinbelow:-

"XI. OPINION:

Death was due to coronary artery disease - a natural cause. Viscera has



been preserved to ascertain intoxication at the time of death.”

8. Moreover, the complainant’s initial statement made no mention of the applicant’s knowledge of this condition, and the later improved version appears aimed at false implication. The incident itself arose from a minor quarrel between children, escalated by the complainant’s family, as noted in GD Entry.

9. The applicant has already remained in custody since 26.03.2025, for the past 5 months and 21 days, and the trial is moving at a snail’s pace. This prolonged pre-trial detention, coupled with the slow progress of proceedings, are contributory factors for bail.

10. That the applicant is the sole bread earner of his family, a father of two minor children, and his prolonged incarceration would cause irreparable hardship to his family.

11. As regards the apprehension of tampering with evidence, there is nothing on record to suggest so, rendering such apprehension, therefore, as illusory. The primary purpose of bail is to secure the presence of the accused during trial, and there is nothing on record to suggest that the applicant would abscond, interfere with evidence, or influence witnesses. He has deep roots in society, no criminal antecedents, and thus is not a flight risk.

12. As an upshot and taking wholesome view of the matter, the applicant is directed to be released on bail on furnishing of bail bond and surety to the satisfaction of the learned Trial Judge/Duty Judge as the case may be and subject to the usual conditions to be imposed by the learned trial Judge/Duty Judge.

13. Nothing observed herein above shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the



same is only for the purpose of the disposing of the present bail application.

14. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 16, 2025

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