



\$~12

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

+ **BAIL APPLN. 2637/2025**

ABHINAV SONI

.....Petitioner

Through: Mr. Vibhas Kumar Jha, Mr. Hari
Prakash Sharma and Ms. Sneha,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Suresh Kr. Meena, PS –
New Usman Pur.
Mr. Anil Gahlot, Advocate for
respondent no. 2 with respondent no.2
in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

16.09.2025

%

1. Applicant herein seeks regular bail being under incarceration since 06.12.2023 in criminal proceedings arising out of FIR No. 713/2023 dated 21.09.2023 registered under Sections 323/326A/34 of the IPC at Police Station New Usman Pur.
2. Per the FIR, the complainant 22 years old, wife of the applicant, was attacked with acid by her mother-in-law, shortly after returning home from a court appearance related to her ongoing matrimonial litigation (Suit No. 387/2023 pending before SCT Room No. 204, Karkardooma Courts). It is further alleged that the father-in-law and minor sister-in-law were present at home during the incident, but not the husband.



2.1 Following the attack, the complainant managed to leave the premises with the assistance of a bystander on a scooter and sought emergency medical care at JPC Hospital, from where she was referred to RML Hospital due to the seriousness of the injuries, which were later medically assessed as 25% deep acid burns.

2.2 At the hospital, she formally informed the police of the incident, leading to immediate registration of the FIR and commencement of investigation. In course thereof, her husband and both parents in law were arrested and all of them are in custody.

2.3 The complainant also states that a persistent pattern of domestic violence, dowry-related harassment, and intimidation by her husband, father-in-law, and minor sister-in-law since shortly after her marriage in November 2021. She states she was repeatedly assaulted and coerced to demand money from her parental family. Instances of surveillance and harassment by her husband's associates were also reported, including being followed in public places and physically intimidated.

3. In light of aforesaid allegations, learned counsel for the applicant argues that the applicant has been falsely implicated in the matter as he was not even at home at the time of occurrence of the incident, and the same is also recorded in the statement of the complainant.

3.1 Moreover, he would submit that the applicant has a minor sister. During custody of both her parents and brother (applicant herein) there is no one to look after her. She forced to reside with her old and ailing *nani* (grandmother). Applicant is the sole breadwinner in the family.

3.2 He would also submit that the applicant was granted interim bail from 05.10.2023 to 26.10.2023 and did not misuse the liberty granted to him and



he surrendered in a timely manner.

4. Learned APP and counsel for the victim/complainant argue that the husband was at the shop which downstairs, as the residence is on the first floor. The prosecutrix was attacked by all the parents in law in connivance with her husband.

4.1 Moreover, he would argue that the prosecutrix has stated that it the applicant who procured the acid to be thrown on the victim.

5. In the aforesaid backdrop, I have heard the counsels of the parties and perused the case file.

6. The complainant is an acid attack victim allegedly at the hands of her mother-in-law, father in law and husband. She is present in court and on a query states that she had 25% burn injuries and remained admitted in hospital for nearly two and a half months, fighting for her life, and now seeks justice after surviving the ordeal.

7. While the act of throwing acid warrants no leniency by any measure, however, the present consideration at this stage is confined to the role attributed specifically to the husband.

8. At this stage, I have seen the statement of the victim recorded under Section 164 Cr.P.C., which needless to say, that unless first it is ascertained that whether or not she is in a state of mind to give such statement, ordinarily, the same is not recorded.

9. In the testimony, she has clearly stated that at the time of incident her *Saas-sasur* (Parents-in-law) were at home. She has also stated therein that it is the saas who threw acid on her and thereafter both of them (saas sasur) ran away from there. In fact, there is no mention of the husband being there at the time of incident other than the fact that towards the closing of her



statement she states that the husband was asked by the mother-in-law in the morning of the day of occurrence to bring acid which he duly complied with.

10. Be that as it may, the fact remains that the husband was not at home at the time of incident. Whether or not mother-in-law threw the acid in fit of rage is not for this Court to decide as is being argued by the learned counsel for the petitioner. It is for the Trial Court to adjudicate upon it at the appropriate stage qua the culpability of each of the accused. At this stage no definite opinion can be formed and given the duration of incarceration already suffered by him, I am of the view that it is fit case for the bail.

11. In response to a specific query from this Court, the learned APP for the State has confirmed that the chargesheet has already been filed, and the investigation, insofar as the applicant is concerned, stands concluded. Hence, custodial interrogation is no longer required. Moreover, the prosecution has already seized all relevant documentary and electronic evidence qua applicant herein, making the possibility of evidence tampering highly remote. There is also no likelihood of the applicant absconding, given that he is a well-settled individual, has deep roots in society, and is the primary caregiver for his aged and ailing parents, who are dependent on him for their well-being.

12. The applicant has no previous criminal record, and the allegations against him are based primarily on presumptions and circumstantial evidence, without any direct material linking him to the core offence. He has cooperated fully during the course of investigation, including appearing before investigating authorities whenever required. There has been no attempt by the applicant to delay or obstruct the investigation, which



reinforces his bona fide conduct.

13. Further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future. A prolonged pre-trial detention becomes punitive even before conviction, and violates the fundamental rule i.e. bail is the rule and jail the exception, particularly when the accused does not pose a flight risk or a threat to the integrity of the trial.

14. As an upshot and taking a wholesome view of the matter, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

15. It transpires that testimony of victim is yet to be recorded/concluded. She has also expressed fear that, if bail is granted at this stage, the applicant may intimidate her or exert pressure on her family, causing her emotional distress and preventing her from pursuing the charges, though there is no material in support thereof.

16. In the premise, apart from the usual conditions, the learned Trial Court shall take a specific undertaking from the applicant prior to his being released that he shall not approach the complainant either directly or indirectly or through any of the relatives. The complainant shall be at liberty to inform the Investigating Officer in case indulgence of any such act and the prosecution shall also be at liberty to seek cancellation of bail by appending proof in support thereof, in case any such act, overt or covert, is reported on the part of the applicant.

17. The learned Trial Court is also requested to expedite the trial,



ensuring that unnecessary adjournments are not granted to either side.

18. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

19. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 16, 2025

Kd/Sv