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

+ **BAIL APPLN. 2677/2025**

SUNIL KUMAR YADAV

.....Petitioner

Through: Mr.Ghanshyam Sharma, Mr.Vikas Sharma, Mr.Lakshya Mahajan and Ms.Shivangi Chand, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr.Sanjeev Sabharwal, APP for the State alongwith Insp. C.P. Bhardwaj, North-East Distt., Insp. Yogesh Kumar and SI Yashveer, P.S. Govind Puri

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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13.10.2025

1. Having remained under incarceration since 30.05.2020 (for 5 years and 4 months) in a criminal case arising out of FIR No. 167/2020 dated 21.05.2020, *inter alia*, for the alleged offence punishable under Sections 365/392/302/411/201 of IPC, registered at Police Station Govind Puri, the applicant seeks regular bail.
2. Briefly speaking, the case set up by the prosecution/complainant as per FIR is that the younger brother of the complainant was working as a Taxi Driver with Ola and on 19.03.2020, he did not return from his work. Upon being missing for 3 days, the complainant got the missing report registered on 22.03.2025, which led to the registration of the FIR and



investigation ensued.

2.1 During the course of the investigation, the prosecution found the car in Jharkhand, at the instance of the petitioner. In the disclosure statement the petitioner admitted to killing the deceased person. Subsequently, the petitioner was arrested on 30.05.2025.

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

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

4.1 That all witnesses are police witnesses and there is neither any evidence against the applicant/accused to connect him with the crime nor there is any eye-witness of the alleged occurrence. Moreover, nothing incriminating has been recovered at the instance of the applicant or from his possession. The recovered articles were planted upon him by the police to falsely implicate him in the present case. Furthermore, that the dead body of the deceased has not yet been recovered.

4.2 That the applicant is young married man with two children studying in School and is a resident of Pataladiha, Jharkhand. He has clean antecedents and has been falsely implicated in the case.

4.3 That in his statement under Section 164 CrPC, the petitioner has denied murdering the deceased and explained the circumstance under which he has been implicated falsely.

4.4 The chargesheet against the application has been filed and no investigation is pending against the applicant. Out of 19 witnesses, 13 witnesses have been examined during the past 5 years, during which the petitioner was in custody.



4.5 Learned counsel for the applicant, in support of his arguments, cites the following judgments, wherein the Hon'ble Supreme Court even in the case of recovery of dead body granted bail considering the long incarceration of the accused:-

a. ***Praveen Rathore vs. State of Rajasthan and Another, 2023 SCC OnLine SC 1268***

b. ***Prithvi Singh vs. State of Rajasthan and Another, 2023 SCC OnLine SC 1617***

He further relied upon the judgments passed by the High Court of Bombay which are as follows:-

a. ***Sonu Parmeshwar Jha vs. The State of Maharashtra, BAIL Appl. No. 4122/2021 dated 18.01.2023***

b. ***Vikas Chandrakant Patil vs. The State of Maharashtra, BAIL Appl. No. 1963/2023 dated 09.05.2025.***

4.6 He would submit that the instant case is on better footing where the prosecution has failed to discharge the onus of recovery of the body of the deceased and yet merely on the presumption formed on the basis of recovery of the mobile and car of the deceased, the applicant has been implicated in the FIR attributing him the motive that in order to possess the same, he had killed the owner.

4.7 He would submit that at worst, the recovery of mobile and car from the applicant would make out the case of theft and not of murder. He would submit that the applicant had no intention of causing the theft also as he had found the car abandoned in a remote area and due to the COVID period, he could not take any steps to report the same to the Police and before he could do the needful, he was implicated in the FIR, *ibid*.



5. Learned APP would oppose stating that all attempts were made to recover the body, though, that turned out to be an exercise in futility, wherein the primary contributory factor was delay caused in proceeding with the investigation during the COVID period when the incident took place.

5.1 He would further points out to the seriousness of the allegations and submits that the applicant is involved in the commission of a heinous crime and there exists a real apprehension that, if released on bail, the applicant may abscond and threaten or intimidate the witnesses, tamper with the evidence or otherwise obstruct the course of justice. It is further submitted that the earlier bail application of the applicant has been dismissed by the learned Trial Court *vide* order dated 05.05.2025. It is therefore urged that the continued custody of the applicant is necessary to ensure a fair trial and to prevent any misuse of liberty, and the instant petition deserves to be dismissed, being devoid of merit.

6. Having heard, *prima facie*, I am of the view that there may be some substance in certain of the arguments addressed on merits by the learned counsel for the applicant, but the same are a matter of trial. However, at this stage, in light thereof, it appears to be a case for bail and for other reasons stated hereinafter.

7. It transpires, that all witnesses are police officials and there is no independent or direct evidence linking applicant to the alleged crime. The deceased's body has not been recovered. *Prima facie* the alleged recovery of the deceased's mobile and car from applicant could suggest theft, not murder, as the applicant's defence is that he found the abandoned car during the COVID period and was falsely implicated before he could report it.



8. Be that as it may, observations made here in above are all matters of trial, a case for bail is made out.

9. The applicant has already remained in custody since 30.05.2020 (for 5 years and 4 months). Investigation is over *qua* him as the charge sheet has been filed on 13.04.2023. This prolonged pre-trial detention, coupled with the slow progress of proceedings, are contributory factors for bail, and further continued incarceration would cause undue hardship to the applicant's family and serve no useful purpose, especially when the trial is not likely to conclude in the near future, as it violates the fundamental rule, i.e. *bail is the rule and jail an exception*.

10. As regards the apprehension of tampering with evidence, there is nothing on record to suggest that he would interfere with evidence or influence witnesses. 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 family consisting of two brothers, six sisters and old-aged parents, who are dependent on him for their well-being, and hence not a flight risk.

11. Considering that the primary purpose of bail is to secure the presence of the accused during trial, coupled with the fact that the applicant poses no risk of absconding, his continued detention at this stage would serve no purpose other than to punish him prior to conviction.

12. As an upshot and taking a wholesome view of the matter, I am of the view that it is a case of bail at this stage.

13. Thus, the applicant is enlarged on bail in the FIR in hand and the proceedings arising therefrom, 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.

14. 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.

15. Accordingly, the bail application, along with the pending application(s), if any, stands disposed of.

ARUN MONGA, J

OCTOBER 13, 2025
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