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

+ **BAIL APPLN. 3087/2025 & CRL.M.A. 23995/2025**

SAPNA CHAMLING

.....Petitioner

Through: Mr. M. L. Yadav, Mr. Harish Chand,
Ms. Reena Yadav and Mr. Shivam
Shukla, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Mukesh Kumar, APP.
Insp. Randheer Kumar Ravi, PS: Civil
Lines.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

14.08.2025

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1. This is the second bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeking regular bail in the proceedings arising from FIR No. 184/2023 dated 30th May, 2023, registered under Section 302 of the Indian Penal Code, 1860³ at P.S. Civil Lines, Delhi.

Factual Matrix

2. The case of the prosecution, in brief, is as follows:

2.1 On 30th May, 2023, a PCR call *vide* DD No. 17A, was received at P.S. Civil Lines regarding the dead body of a woman. The call was assigned to ASI Pawan, who, along with his team, proceeded to the location.

¹ "BNSS"

² "CrPC"

³ "IPC"



2.2. At the spot, a woman was found lying on the floor in a pool of blood. She was wearing a white half-pant and a black top. A cooker lid was found near her legs. The household items in the room were in disarray, and a substantial amount of blood was scattered across the floor. ASI Pawan informed the Crime Team and the FSL Team, who arrived shortly thereafter, photographed the scene, and collected various exhibits, which were seized.

2.3. No eyewitness was found at the spot. Subsequently, the caller, identified as the present Applicant, Sapna Chamling, met the police and informed them that the deceased was one Rani, a resident of the premises where the body was found. The police observed that the Applicant appeared nervous and was frequently changing her version of events. This aroused suspicion, and W/Ct. Renu was directed to maintain surveillance on her. The body was shifted to Aruna Asaf Ali Hospital, where the doctor declared the deceased “brought dead.” The MLC bearing No. 755/23 dated 30th May, 2023 recorded injuries caused by a sharp object. The exhibits handed over by the doctor were seized. On the basis of the PCR call, the MLC, and the attending circumstances, the present FIR was registered and investigation commenced.

2.4. During the course of investigation, on 30th May, 2023, with permission of the Metropolitan Magistrate, the Applicant was arrested in this case. The prosecution alleges that she confessed to the murder and led to the recovery of the weapon of offence, a knife, from ruins near Farida Chowk, Arona Nagar, Majnu Ka Tila. The weapon was seized and taken into police possession. A chargesheet has been filed before the competent court, followed by a supplementary chargesheet upon receipt of the FSL results.



Contentions of the Applicant

3. Counsel for the Applicant makes the following submissions seeking the relief of bail:

3.1. The Applicant has been in judicial custody since 31st May, 2023, a period of over two years and two months. The investigation in the present case has concluded, the chargesheet has been filed, and all material witnesses have already been examined. In such circumstances, further incarceration of the Applicant serves no useful purpose, and she is entitled to be released on bail.

3.2. The prosecution's case rests entirely on circumstantial evidence. The alleged chain of circumstances is incomplete and fails to establish any conclusive link between the Applicant and the commission of the offence. There is no direct evidence connecting the Applicant to the crime, and her implication rests solely on her alleged disclosure statement, which, in itself, is inadmissible in law.

3.3. Without prejudice to the aforesaid and without admitting the allegations in any manner, even if the prosecution's case is taken at its highest, the alleged occurrence appears to have transpired, if at all, at the spur of the moment, bereft of any premeditation or *mens rea* to commit the alleged offence.

3.4. Further, there is no eyewitness to the alleged incident. The case is based entirely on post-incident circumstances, alleged conduct, and purported disclosure statements.

3.5. The alleged recovery of the weapon of offence, a knife, was made from a public garbage bin. No recovery was effected from her person or from any place under her exclusive control. A recovery from an open and



accessible location, it is urged, lacks evidentiary value.

3.6. The Applicant is a single mother of a nine-year-old daughter, who is presently living alone in a hostel in Darjeeling and is in need of maternal care. Courts have consistently recognized the welfare of dependent children as a relevant and significant factor in considering bail for women accused. The continued incarceration of the Applicant gravely prejudices the well-being of her minor child.

3.7. The Applicant has been residing in Delhi for over three years. She is a divorcee and was employed as a waitress in a hotel, earning a livelihood to support her daughter's education, medical needs, and other necessities. She is stated to have deep roots in society, is a responsible individual, and has clean antecedents.

3.8. The Applicant has no previous criminal record and is neither in a position nor inclined to influence witnesses or tamper with evidence. Given that the material witnesses have already been examined, there is, according to her, no possibility of interference with the trial.

Contentions of the State

4. Mr. Mukesh Kumar, APP for the State, opposes the bail application and submits as follows:

4.1. The allegations against the Applicant are grave in nature, involving the brutal murder of her friend. Given the severity of the offence, there exists a strong apprehension that the Applicant may abscond if she is released on bail.

4.2. The prosecution case is supported by cogent material on record. The dead body of the deceased was found at the spot lying in a pool of blood. The Applicant herself had called the police, met ASI Pawan, and disclosed



the identity of the deceased. During interrogation, the Applicant allegedly confessed to her involvement in the commission of the offence.

4.3. The weapon of offence, a blood-stained knife kept inside a cloth bag, was recovered at the Applicant's instance from a garbage bin located in an abandoned structure at Farida Chowk. The cloth bag was also blood-stained. Forensic examination has confirmed that the blood on the bag matches that of the deceased. This recovery, coupled with the forensic match, is a crucial link connecting the Applicant with the crime.

4.4. Given the nature of the offence and the role attributed to the Applicant, there is a real apprehension that, if released on bail, she may attempt to influence witnesses or tamper with the remaining evidence.

Analysis

5. The Court has considered the aforementioned contentions. The present case is undoubtedly of a grave nature, arising from the brutal murder of a 35-year-old woman in her own residence, allegedly by her own friend. Nonetheless, it is a well-established principle that while considering an application for bail, the Court must keep in mind several factors relating to the case, such as – whether there is any *prima facie* reasonable ground to believe that the accused has committed the offence, the nature and gravity of the accusation, severity of potential punishment, risk of the accused absconding or fleeing if released on bail, the likelihood of the offence being repeated, etc⁴.

6. It is equally well-settled that the Court, while considering bail, is not to engage in a meticulous examination of the evidence as would be done at the stage of final adjudication, lest the bail proceedings assume the character



of a mini-trial⁵. Nonetheless, the material available at this stage indicates that the deceased was found murdered in her residence and that the Applicant herself contacted the police, disclosing the identity of the deceased. This is not a case of a bare disclosure statement; rather, the statement is alleged to have led, within the meaning of Section 27 of the Indian Evidence Act, 1872, to the recovery of the purported weapon of offence, concealed in a cloth bag also bearing blood stains, from an abandoned structure. Forensic analysis has confirmed that the blood on the bag matches that of the deceased. Such recovery, when seen in conjunction with the forensic findings, constitutes a circumstance of material significance which, at this stage, *prima facie* connects the Applicant with the offence.

7. It is further relevant that the Applicant herself made the PCR call reporting the presence of the deceased's body and disclosed her identity to the police. The circumstances in which she came to be at the spot, her knowledge of the deceased's identity, and the events leading up to her discovery of the body are matters peculiarly within her knowledge. Under Section 106 of the Indian Evidence Act, 1872, such facts are to be explained by the person possessing that special knowledge. While the Court cannot, at this stage, evaluate the adequacy of any such explanation, the presence of the Applicant at the scene, coupled with the subsequent recovery of the weapon at her instance, *prima facie* forms part of the circumstantial chain which the prosecution seeks to prove at trial.

8. The Applicant's submission that the incident, if at all, occurred on the

⁴ *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* (2010) 14 SCC 496.

⁵ See also: *Brijmani Devi v. Pappu Kumar & Anr.*, (2022) 4 SCC 497 and *Mahipal v. Rajesh Kumar @*



spur of the moment without premeditation, pertains to the nature of intent, an issue that falls squarely within the domain of trial and cannot be determined conclusively at this stage.

9. It is also relevant to note that barely three months prior, on 9th May, 2025, the Petitioner's earlier bail application (BAIL APPLN. 23/2025) was dismissed as withdrawn, after certain submissions had been made on her behalf. Since then, there is no substantial change in circumstances. The mere fact that the period of incarceration has increased by an additional three months does not, in itself, constitute a change in circumstance warranting reconsideration of bail at this stage.

10. Considering the overall facts and circumstances of the present case, the gravity of the offence, the position of law as laid down by the Supreme Court, and the *prima facie* material available against the Applicant at this stage, this Court is not inclined to grant the relief of bail. The personal circumstances of the Applicant, including her status as a single mother, though deserving of empathy, cannot by themselves outweigh the gravity of the allegations and the nature of the evidence presently on record.

11. In light of the foregoing, the present bail application is dismissed, along with all pending applications.

SANJEEV NARULA, J

AUGUST 14, 2025

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Polia, 2020 (2) SCC 118.