



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

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Reserved on: 18th December, 2025

Pronounced on: 22nd December, 2025

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BAIL APPLN. 3206/2025

SAWAN DABAS

S/o Jitender

R/o H.No.26B,

Sultanpur Dabas, Delhi.

.....Petitioner

Through: Mr. Adarsh Priyadarshi, Mr. Amit Dwivedi and Mr. Apoorv Shankar, Advocates.

versus

STATE NCT OF DELHI

Through SHO PS Bawana.

.....Respondent

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS"*) has been filed on behalf of the **Applicant/Petitioner Sawan Dabas** seeking **Regular Bail** in case FIR No.841/2022 under Section 365/302 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*), registered at Police Station Bawana.

2. The **brief facts of the case** are that on 23.09.2022, Shri Niwas, father of the deceased, lodged a missing Complaint in regard to his missing daughter which was registered *vide* DD No.152A, at P.S. Bawana. Upon



examination of the CCTV footage from the vicinity, it was revealed that the deceased was last seen going alone carrying a red coloured bag and a red coloured plastic bag. After two months of the information, on 19.11.2022 the father of the deceased submitted an Application to the SHO, P.S. Bawana alleging that his daughter had been missing since about 04:30 P.M. on 20.09.2022 and has been allegedly kidnapped by the Applicant. The father also stated that on 28.09.2022, he found a photograph of the Applicant along with his phone number in the books of the deceased and that the Applicant was also missing from his house.

3. During the investigations, it was found that the Applicant was missing from his residence since 22.09.2022. The father of the Applicant had also lodged a missing Report on 23.09.2022 at P.S. Bawana, which was registered as DD No.57A.

4. On the same date i.e. 24.11.2022, ASI Rajesh from P.S. Badli informed via telephone that the dead body of the deceased daughter of the Complainant, has been found on 22.11.2022 in the jurisdiction of P.S. Badli. The dead body was identified by the parents of the deceased. A Medical Board was constituted for the Post Mortem Examination.

5. Subsequently, on 24.11.2022 an FIR was registered under Section 365 IPC at P.S. Bawana, on the Complaint of the father of the deceased.

6. On 28.11.2022, the Applicant was apprehended near Japanese Park, Rohini and his Confessional Statement was recorded. Since then, the Applicant is in Judicial Custody. After completion of investigations, the Chargesheet was filed on 25.02.2023.

7. The Application for Regular Bail of the Applicant was dismissed on 13.01.2025 by the learned ASJ.



8. The **Bail is sought on the grounds** that the trial is proceeding at snail's pace. Since last three years, examination of only 1 witness has completed out of 40 Prosecution Evidence relied upon in the Chargesheet. Two witnesses have been cited in the first Supplementary Chargesheet and two more witnesses in the second Supplementary Chargesheet. The conclusion of the trial is likely to take many years.

9. There is a contradictory Medical Opinion in the Post Mortem Report. Dr. Dhiraj D. Bhuchde has opined the cause of death as "*Asphyxia due to ante-mortem smothering and blunt force*". Dr. Amandeep Kaur, however, has stated that the finding consistent with "*drowning*". There are two opposite Medical Opinion which strike at the root of the Prosecution case and make the cause of death highly doubtful.

10. The deceased was an adult, 19 year old girl. She had travelled extensively with the Petitioner to Manali, Panipat, Goa, Mumbai, Rishikesh, Haridwar and Delhi and had stayed in hotels for weeks. It clearly shows the consensual relationship and falsifies the allegations of abduction under Section 365 IPC. There is no motive or reason for the Applicant to kill the girl with whom, as per the Prosecution, he was in love.

11. The Petitioner claims that he has been implicated falsely at the instance of her father who was deeply aggrieved and strongly opposed the inter-caste relationship between the Petitioner and his daughter. The father harboured animosity towards the Petitioner and had categorically expressed his disapproval towards their association.

12. From the aforesaid circumstances, the possibility of false implication on account of prejudice and *family honour* cannot be ruled out, particularly when there exists a strong probability of an "honour-related motive". The



Petitioner has been made a convenient scapegoat to shield the real circumstances leading to the demise of the girl.

13. It is further claimed that there is a *delay in lodging of FIR*. The alleged disappearance happened on 20.09.2022, but the missing DD entry was lodged three days later, on 23.09.2022. The FIR under Section 365 IPC was registered only on 24.11.2022, after the dead body was recovered. This unexplained and abnormal delay creates a serious doubt and is indicative of an afterthought and improvement in the Complainants' version.

14. The only incriminating evidence against the Petitioner is the so called last seen evidence of Const. Mohit. However, this last seen evidence by itself is not sufficient to convict the Petitioner, unless corroborated by strong cogent evidence. The alleged recoveries of clothes, slippers and handkerchief from or at the behest of the Petitioner, are highly doubtful. The alleged recovery, on the disclosure of the Petitioner, took place after weeks later and that too from an open and accessible place. TIP of the articles was conducted belatedly and cannot be safely relied.

15. The alleged inculpatory confession recorded by the Police, is inadmissible under Section 25 of the Indian Evidence Act. The Prosecution has tried to build its entire case around his Confessional Statements which cannot be red against him. The Petitioner submits that his incarceration would result in serious miscarriage of justice.

16. Reliance is placed on Gudikanti Narasimhulu & Ors. vs. Public Prosecutor, High Court, (1978) 1 SCC 240, wherein the Supreme Court observed that what is often forgotten is the object to keep the person in judicial custody pending trial or appeal. The magistracy of the country lies not withheld the punishment, but the requirements of bail are merely to



secure the attendance of the prisoner at the time of trial. These principles have been reiterated by the Apex Court in Gurbaksh Singh Sibba vs. State of Punjab, (1980) 2 SCC 565.

17. Reliance is also placed on Hussainara Khatton vs. Home Secy. State of Bihar, (1980) 1 SCC 81, where the Supreme Court declared that the right to speedy trial of offenders is implicit in the broad and sweeping content of Article 21. The reliance is also placed on Kadra Pahadiya & Ors. vs. State of Bihar, (1981) 3 SCC 671; Abdul Rehman Antulay v.s R.S. Nayak, (1992) 1 SCC 225; Mohd. Muslim @ Hussain vs. State (NCT of Delhi), 2023 INSC 311; Satender Kumar Antil vs. Central Bureau of Investigation, (2022) 10 SCC 51 and Javed Gulam Nabi Sheikh vs. State of Maharashtra, SLP (CRL) NO.3809 of 2024.

18. *Hence, a prayer is made that the Applicant be granted Bail.*

19. **A Status Report has been filed on behalf of the State** which is taken on record, wherein the details of the Chargesheet have been filed.

20. It is further submitted that during the pendency of trial, Petitioner had moved an Application before the learned Trial Court for Regular Bail, but the same was dismissed on 13.01.2025.

21. *Considering the gravity of the offence and that the trial is still ongoing, the Bail is opposed.*

22. **The learned Counsel for the Applicant has vehemently contended** that the Applicant is in Judicial Custody since 28.11.2022 i.e. for about three years. The Chargesheet was filed on 24.02.2024. There are more than 40 Prosecution witnesses, out of which only three witnesses have been examined, while two have been partly examined on account of non-availability of the FSL Report which is still awaited.



23. It is further argued that the entire case of the Prosecution rests on circumstantial evidence and on the testimony of Const. Mohit who is a witness to the last seen evidence. He being a Police Official cannot be influenced by the Applicant.

24. Furthermore, there is divergent opinion in the Post Mortem Report thereby creating a doubt about the actual reason of the death of the girl. There was a strong motive of there being an honour killing because they belonged to different casts and this relationship did not favour with the father of the girl.

25. The recovery of *Chappal* allegedly pursuant to the Disclosure Statement of the Applicant, was made from an open area. *It is, therefore, submitted that considering the long incarceration and the delayed trial, he be granted Bail.*

26. The ***learned Additional Public Prosecutor has argued*** that there is cogent evidence by way of CCTV footage, wherein the deceased was seen leaving her house. She was last seen with the Applicant by Const. Mohit, which is fully established.

27. Not only this, there was recovery of the clothes belonging to the deceased, at the instance of the Applicant. Furthermore, there are various Hotel records to support that they had been living together during this period.

28. There is no delay since the FIR got registered after the dead body of the girl was recovered. The missing Reports had been filed, both in respect of the girl and the Applicant, by their respective family members. It is argued that it is a heinous offence of murder with enough incriminating



evidence showing clear involvement of the Applicant. *The Bail is strongly opposed.*

Submissions heard and record perused.

29. Essentially, the case of the Prosecution is that the deceased was involved with the Accused and their relationship was not acceptable to the families, since they belonged to different castes. The girl left the house on 23.09.2022, but after about two months on 22.11.2022 was recovered dead from the river.

30. **Firstly**, the Applicant has contended that the two Medical Reports were contradictory, which makes the case of the Prosecution doubtful. The Post Mortem Report is split on the cause of death. While one Doctor had opined that it was a case of “*Asphyxia*” the other opined that it was a case of death due to “*drowning*”. This split opinion enures to the benefit of the Applicant, while consideration of grant of Bail.

31. **Secondly**, Bail is sought on the grounds of delay in trial. Evidently, the Accused/Petitioner had been arrested on 28.11.2022 and since then he is in Judicial Custody. Pertinently, there are more than 40 Prosecution Witnesses, out of which only three witnesses had been completely recorded. Furthermore, the FSL Report is still not forthcoming, on account of which the evidence of the Prosecution Witnesses has been held up. Two material witnesses have been examined partially, but their testimony could not be completed for want of the case property which is still lying in the FSL. The Prosecution was unable to give the timeline within which the FSL Report is likely to be received.

32. In the last three years, barely two witnesses have been completely recorded. Thus, considering the total number of Prosecution Witnesses and



the non-availability of the FSL Report, it is evident that the Trial is likely to take long.

33. **Thirdly**, it is pertinent to note that as per the Prosecution, the last seen witness is none other than Const. Mohit. There is little likelihood of any of the witnesses being influenced by the Petitioner. There is little likelihood of him tampering with the evidence. There is also no circumstance from where it can be inferred that there is likelihood of his absconding or not facing the trial.

34. Considering the aforesaid circumstances, the Applicant/Petitioner is admitted to Regular Bail, on the following terms and conditions:

- a) The petitioner/accused shall furnish a personal bond of Rs.50,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The petitioner/accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the petitioner/accused changes their residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

35. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.



36. The above Bail Application is accordingly disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

DECEMEBER 22, 2025/va