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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3615/2024**
RISHABH KUMAR

.....Petitioner

Through: Mr. Gurbaksh Singh, Advocate

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Parmender Kumar, P.S. Nihal Vihar
Mr. Mohit Chaurasia, Adv.
Complainant is present through VC.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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15.09.2025

1. The applicant is before this Court having remained under incarceration since 22.07.2023, more than two years, seeking indulgence of this Court for grant of bail during pendency of the trial in the criminal proceedings arising out of FIR No. 0784/2023 dated 22.06.2023, for alleged offences under Sections 498A, 304B, 34 of the IPC, registered at P.S. Nihal Vihar, Delhi.

2. Briefly speaking, per FIR, the case set up by the prosecution is that on 16.06.2023, Rajni, wife of Rishabh, resident of Chhatriyan, Anupshahr, Bulandshahr, committed suicide by hanging at her sister Geeta's house in Delhi.



2.1 It was stated that Rishabh was addicted to alcohol and gambling, sold Rajni's jewellery, and demanded money. Before marriage, dowry in the form of gold, vehicle, and about ₹5 lakhs was given. Later, ₹2 lakhs more was provided, but Rishabh continued to demand further sums, including ₹1 lakh and cattle. Rajni was beaten and threatened, and shortly before her death, her husband and in-laws allegedly pressurised and abused her.

2.2 It is further stated that on 16.06.2023, Geeta found Rajni hanging with a *chunni* from the grill at her house. She was taken to Bhatia Global Hospital, Paschim Vihar, where she was declared brought dead. Police inspected the spot, and the body was preserved for post-mortem. Statements of family members were recorded before the SDM, Punjabi Bagh, where allegations of dowry harassment were reiterated.

2.3 The post-mortem (PM No. 613/18 dated 18.06.2023) confirmed death due to ante-mortem hanging. Based on the PM report and witness statements, offences under Sections 498A/304-B/34 IPC were made out. A rukka was prepared and sent for registration of the FIR.

3. Learned counsel for the applicant would submit that the allegations are false and frivolous. He would urge that no complaint of harassment was ever lodged during the deceased's three years of matrimonial life, during which she was blessed with a son. He would also submit that at the time of her death, she recorded a video stating she was dying of her own will without pressure from anyone.

3.1 He would further urge that the deceased left her matrimonial home on 02.06.2023, stayed at her sister Babita's house for 10 days, and then at her



sister Geeta's house for 5 days, where she committed suicide on 16.06.2023. He would, hence, urge that the deceased's death cannot be attributed to the applicant or his family, as she had been away from her matrimonial home for about 15 days, and hence the requirement of "soon before death" under Section 304B IPC is not met. He would further urge that something unusual occurred at her sister's house which led to her suicide.

3.2 Furthermore, he would point that the sisters were granted anticipatory bail by the learned ASJ, Tis Hazari *vide* order dated 16.08.2023. Moreover, the mother was also granted anticipatory bail. He would also submit that the applicant owns agricultural property, earns his livelihood through farming, and has clean antecedents.

3.3 He would also urge that the investigation is complete, charge sheet filed, and no recovery is pending. All witnesses are family members of the deceased, ruling out the possibility of tampering. It is also urged that his three-year-old son, who needs to start schooling, is deprived of paternal care due to the applicant's custody.

4. The learned counsel for the complainant as well as learned APP for the State vehemently opposes grant of bail by relying on a transcription of discussion held between the deceased and her husband.

5. In the aforesaid backdrop, heard and perused the case file.

6. First and foremost, having gone through the transcription, it transpires that the same is dated 04.06.2023 whereas the deceased committed suicide on 16.06.2023.



7. Therefore, it cannot be said with certainty at this stage as to what was the proximate cause of the deceased having taken the extreme steps of taking her own life. No doubt, the deceased seemed to be a person of rather over sensitive nature. But, as to whether the proximate cause is attributable to her husband cannot be said with certainty at this stage. No opinion can be formed in either way.

8. Apart therefrom, even otherwise, I am of the view that, at this stage, this is a case for bail.

9. No harassment complaint was made during the deceased's three-year marriage, during which they had a son. At the time of death, she recorded a video stating she was ending her life of her own free will. The deceased had left her matrimonial home on 02.06.2023, stayed with her sisters for 15 days, and committed suicide on 16.06.2023, which negates the "soon before death" requirement under Section 304B IPC. Though the defence is that the incident was unrelated to applicant or his family and may have been triggered by circumstances at sister's home of deceased. Her sisters and mother have already been granted anticipatory bail.

10. While applicant is in jail, his three-year-old son is deprived of paternal care while he remains in custody.

11. The applicant is 23-year-old, is at the crucial years of his career and continued preventive detention would jeopardize his career prospects for rest of the life.



12. Furthermore, he is a family man having no criminal antecedents. There is no likelihood of the applicant absconding, given that he is the primary caregiver to his three-year-old son, who needs to start schooling.

13. The applicant has been in judicial custody since 22.07.2023, amounting to more than two years. Investigation is over qua him as the charge sheet has been filed on 18.10.2023. He is thus not required for any custodial investigation.

14. As regards the apprehension of tampering with evidence and witnesses, it is pertinent to note that there is nothing on to suggest that he would tamper with the evidence. Moreover, witnesses are family members of the deceased, ruling out the possibility of tampering, rendering such apprehension illusory.

15. Further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future as the same is moving at snail's pace. 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.

16. Taking a comprehensive view of the matter, this Court finds no further purpose in keeping the applicant in prolonged pre-trial custody. Accordingly, in respect of FIR No. 0784/2023 for alleged offences under Sections 498A, 304B, 34 of the IPC, registered at P.S. Nihal Vihar, Delhi, the applicant is directed to be released on bail upon furnishing a bail bond



and surety of equivalent amount, to the satisfaction of the learned Trial Court, and subject to usual conditions.

17. Apart from the usual conditions, the trial court shall also take an undertaking from the applicant that during pendency of the trial he shall not directly or indirectly contact the family members of the deceased including the complainant who is stated to be her sister.

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 in the above terms.

ARUN MONGA, J

SEPTEMBER 15, 2025

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