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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ BAIL APPLN. 3929/2024, CRL.M.A. 32479/2024 & CRL.M.A.  
32480/2024

SONU KUMAR

.....Petitioner

Through: Mr. Sunil Kumar Chaturvedi, Adv.

versus

STATE GOVT.OF NCT OF DELHI AND ANR. ....Respondents

Through: Ms. Shubhi Gupta, APP for the State.  
Insp. Ranvir Singh, P.S. Okhla  
Industrial Area.  
Mr. Ankit Bidhuri, Adv. for R-2  
(through VC).

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

% **19.02.2025**

1. This hearing has been done through hybrid mode.
2. The present application under Section 483 read with Section 528 of the BNSS (Section 439 read with 482 of the Cr.P.C.) seeks regular bail in case FIR No. 55/2020 under Section 302 of the IPC, registered at P.S. Okhla Industrial Area.
3. The case of the prosecution as per the status report dated 11.02.2025 authored by Insp. Ranjan Kumar Singh, SHO PS Okhla Industrial Area, Delhi, is as under:-

“2. That the brief facts of the case are that on 25.01.2020, information regarding death of sister of caller in mysterious condition at Chhuria Mohalla, Village Tehkhand, Okhla Phase-I, New Delhi was received vide GD No. 7A at P.S. Okhla Industrial Area, New Delhi. This information was marked to SI Mahavir who immediately along with



staff reached at the spot. A female dead body covered in a Kambal was found lying outside the house. On enquiry, deceased was identified as Sunita w/o Sonu r/o H. No. 110, Sahiram Chowk, Chhuria Mohalla, Village Tehkhand, Okhla age 29 years. There were no visible injury marks on her body. Deceased's relatives were present at the spot. On enquiry, it was found that deceased was married to applicant accused Sonu Kumar on 18.5.2011 and for the last 6-7 years she was living along with her husband and a seven years old son separately. Applicant accused Sonu Kumar told to police staff that his wife Sunita was suffering from fever and she had medicine at night for the same. Thereafter, she didn't wake up in morning. He further revealed that he called his brother-in-law and then both of them took her to ESI hospital where doctors told them that she is dead. Thereafter, they took her body back to their home.

3. That, interrogation was made from the brother and sister-in-law of deceased who told that applicant accused Sonu Kumar had sour relations with his wife. He further revealed that applicant accused Sonu Kumar was in extra marital affairs with another local lady and due to this, couple used to fight with each other. Thereafter, crime team was called at the spot and got photographed. Mobile phone of deceased was seized from the spot. As per inspection of dead body and spot, there was no specific or apparent reason of death and therefore, dead body was sent to AIIMS Hospital, Delhi, where deceased Sunita was declared as 'Dead' on vide MLC No. 977/2020 and then her dead body was sent to Mortuary for postmortem. As per MLC, no visible injuries on her body.

4. Thereafter, postmortem was conducted on 26.01.2020, vide PM No. 117-2020. In Postmortem report, doctor opined the cause of death as **"Asphyxia due to antemortem ligature compression over the neck. However, viscera have been preserved to rule out any concomitant intoxication/ poisoning. All the injuries are antemortem in nature and fresh in duration"**. Some injuries on nose & neck were also mentioned by the autopsy surgeon on her body. He also mentioned the ligature marks on her neck.

5. Thereafter, on 29.01.2020, postmortem report was given to brother of deceased who got recorded his statement and alleged that applicant Sonu Kumar was in relationship with another local lady and due to which couple used to fight with each other. Applicant used to spend a lot of money without any reason and deceased Sunita always used to argue with him for this reason. He further alleged in his statement that on 24.01.2020, his deceased sister Sunita had told him that recently



applicant Sonu Kumar had brought some new clothes without any occasion despite poor financial condition of his family and this was the last reason behind their dispute & argument and next day, he found his sister dead in mysterious condition and applicant Sonu Kumar was not giving any satisfactory reason regarding her death. He alleged that applicant Sonu Kumar had strangled his sister to death.

6. That after recording his statement, the above-mentioned case was registered and investigation was taken up. During the course of investigation, statement of deceased's brother Anil Kumar, deceased's sister-in-law Ms. Neeraj Devi were recorded. Both of them alleged against applicant that he was having extra marital affairs with a lady in locality and used to spend money without any reason in his poor condition. His wife Sunita used to argue him daily for these reasons and therefore to get rid of her, he strangled & murdered her. Both of them also alleged that applicant first tried to misled the family members and police.

7. That on the very same day, applicant accused Sonu Kumar was apprehended on the instance of complainant and interrogated. On interrogation, he confessed his offence of murdering his wife Sunita by strangulating her with her Chunni at night. Thereafter, he was arrested and, on his instance, the said Chunni which was used in commission of offence was recovered from his room which was hidden by him on a Taand behind his luggage. That Chunni was seized. On his instance, new clothes which were purchased by him on 24.01.2020 and which was the instant reason of argument between them were also seized. Thereafter, blood sample of accused was also obtained during his medical examination at hospital.

8. Thereafter, Master Aman who is son of applicant accused Sonu Kumar and an eye witness of the incident was examined. He revealed in his examination that his parents used to argue and quarrel with each other with respect to a lady namely Beena. He also revealed that his father Sonu Kumar had punched his mother on her nose at night and strangled her. Thereafter, he was forced to sleep with her unconscious mother. He further revealed that, his mother didn't wake up in morning. Thereafter, his statement u/s 164 CrPC was got recorded before a Magistrate on 02.03.2020 in which he reiterated his statement that his father had strangled his mother in front of him at night. Contents of statement u/s 164 CrPC is as under:

**”मेरी Mammy का नाम सुनीता देवी है। मेरी मम्मी मर गयी। मेरे मम्मी पापा आपस में लड़ते थे। मेरे पापा का बिना के साथ चक्कर था। बिना**



हमारी दुकान के बगल मे रहती थी। मेरे मम्मी पापा का को लेकर झगड़ा हुआ था। पापा ने मम्मी को नाक पर घूंसा मारा था और मम्मी का टेंटुआ दबाया था और मम्मी फिर गिर गई थी और रो रही थी। उन्होंने थोड़ी देर बाद मुझे मम्मी के साथ कंबल में सोने के लिए कहा। जब मैंने कहा मुझे नहीं सोना तो पापा ने मुझे थप्पड़ मारा और मम्मी के साथ सुला दिया। फिर मम्मी मर गई। मेरी मम्मी को मेरे पापा ने मारा है। मैंने पापा को उनको मारते देखा था, मैंने मम्मी को उठाने की कोशिश करे सोने से पहले पर वो नहीं उठी थी।”

9. Thereafter, girl Beena D/o Agan Singh r/o A-171 Mavi Mohalla Village Tehkhand Okhla was also examined. She revealed on her examination that she also runs a garment shop in the neighborhood of applicant accused. Due to their profession, they used to meet each other and talk. But his wife Sunita didn't like this. Once she had asked her to keep distance from her husband.

10. Thereafter, CDRs of mobile numbers of deceased and accused were obtained and location of both were found in Village Tehkhand. Thereafter, blood sample, medicines and other exhibits given by autopsy surgeon were sent to FSL for their forensic analysis and result of the same is still awaited. Chunni used in commission of offence has already been sent to autopsy surgeon AIIMS Hospital for subsequent opinion to know whether the said Chunni has been used in this offence or otherwise.

11. That during the course of investigation, neighbor's namely Ms. Sarita Shrivastava w/o Sh. Nirbhay Shrivastava r/o Room No.207 H.No. 110 Chhuria Mohalla, Village Tehkhand, Okhla and Smt. Poonam w/o Sh. Malkhan Singh r/o Room No.208 H.No.110 Chhuria Mohalla, Village Tehkhand, Okhla were also examined. Both the aforesaid neighbor revealed that on the day of incident they had heard noises with respect to quarrel between accused Sonu Kumar and deceased Sunita. Both of them have revealed that his wife Sunita had suspicion over Sonu regarding his affair with a local lady Beena and both of them used to quarrel each other on this issue.”

4. Learned counsel appearing on behalf of the applicant submits that the case of the prosecution as per the chargesheet is that on the day of the incident



on account of some dispute with his deceased wife, the applicant had strangled her with *chunni*. It is pointed out that as per the chargesheet, the following exhibits are sent to the FSL, however, the reports are still awaited:-

- “1. FSL result regarding the exhibits given by Autopsy surgeon after the postmortem & Blood sample of accused obtained during the course of Investigation.
2. FSL result regarding the mobile phone of deceased Sunita
3. FSL result regarding Viscera preserved by autopsy surgeon
4. FSL result regarding medicines recovered from the spot.”

5. It is the case of the applicant that the incident had taken place on the intervening night of 24-25.01.2020. It is pointed out that it was the applicant who had called his brother-in-law and had taken the deceased (his wife) alongwith the wife of the brother-in-law to the ESI Hospital and thereafter, when she got declared dead by the said hospital, they had come back and a call was made to the number 100. It is further submitted that the case of the prosecution has been foisted on the present applicant as the FIR was registered on 29.01.2020 after receiving the post mortem report. The learned counsel for the applicant submits that the Investigating Officer has conducted a reverse investigation to falsely implicate him.

6. Learned counsel appearing on behalf of the applicant submits that as per the crime scene and even the other witnesses, who had come to the crime spot, there is no evidence on record to show that any struggle had ensued in the spot of the incident leading to strangulation. It is pointed out that the main motive of the crime attributed to the present applicant was that he was having an extra marital affair with a lady named Beena (PW-9) and no evidence has been collected by the prosecution to establish such an angle of extra-marital affair. It is further submitted that said lady was cited as a witness, i.e., PW-9



and she did not support the case of the prosecution. It is further pointed out that the applicant has been in custody since the date of his arrest i.e. 29.01.2020. The applicant is not a flight risk. It is further pointed out that the trial is likely to take further time and in these circumstances, the application should be allowed.

7. *Per contra*, learned APP for the State on the instructions from the Investigating Officer, and assisted by the learned counsel for the complainant submits that the main eye-witnesses in the present case is the son of the applicant, who has been examined as PW-1 before the learned Trial Court and he has supported the case of the prosecution. It is further submitted that the complainant (brother of the deceased) has also been examined as PW-2 and that he, along with PW-3 (wife of PW-2), PW-5 (another brother of the deceased) PW-6 (neighbour of the deceased) have testified to the effect that the applicant used to have fights with the deceased and they were informed of the fact that the applicant was having some extra-marital affair with somebody.

8. Heard the learned counsel for the parties and perused the records.

9. This Court has gone through the testimony of PW-1, the son of the applicant, who has stated that on the fateful day, there was a fight between the applicant and his mother (the deceased) and the applicant had hit her on her nose. He has described the incident in the following manner:-

“Court Q.7: Whether your father and mother used to quarrel ?

Ans: Yes

Court Q.8: Whether your father used to beat your mother, physically ?

Ans: Yes.

Court Q.9: Have you ever seen Beena?

Ans: Yes, in Delhi. She used to sit in her shop, which was



located in front of our shop. My father and mother used to sit in our shop.

Court Q.10: How did you know your father had chakkar with Beena?

Ans: Daily, for the said reason, my mother and father used to fight.

Court Q11: How did your mother die?

Ans: Mere papa ne meri mummy ki naak par ghunsa diya aur unka gala haath se pakad liya aur daba diya. Ye sab mere ghar par hua tha.”

10. The Court has also perused the postmortem report wherein the injuries described are as under:-

**“ 5. Injuries (Type, size, shape, location and direction etc.)**

Antemortem injuries:

1. A reddish blue colour contusion of size 1 x 1 cm is noted over bridge and right side of nose, 2 cm below root of nose. On dissection infiltration of the underlying tissue present.

2. A reddish blue colour contusion of size 1 x 0.8 cm is noted over right side of neck, 4 cm lateral to midline and 4 cm below margin of mandible. On dissection infiltration of the underlying tissue present.

3. A reddish brown colour pressure abrasion (ligature mark) is present in the middle one-third of the neck over the thyroid prominence. The ligature mark is incomplete, horizontally placed on the anterior aspect of neck and is deficit on the posterior aspect. The ligature mark is present 8.9 cm below the symphysis menti and 5.5 cm above the suprasternal notch in the anterior midline of neck; 6.5 cm below right angle of mandible and 6.7 cm below right mastoid process on the right side of neck; 8 cm below left angle of mandible and 6.5 cm below left mastoid process on the left side of neck. The total neck circumference is 31 cm. The range of width of the ligature mark is 0.7 to 1.5 cm. On dissection blood infiltration is present in left sternohyoid muscle corresponding to the ligature mark. Blood infiltration is present over bilateral superior horn of thyroid cartilage and underlying posterior pharyngeal wall. Blood infiltration is also noted over the anterior and posterior surface of middle of body



of hyoid. The tracheal mucosa is congested.

4. A reddish blue colour contusion of size 2 x 0.7 cm is noted over right side of chest, 5 cm lateral to midline and 5 cm below clavicle. On dissection infiltration of the underlying tissue present

5. A reddish blue colour contusion of size 2 x 2 cm is noted over medial aspect of right thigh, 10 cm above knee. On dissection infiltration of the underlying tissue present.”

11. The result of the post mortem report with respect to the cause of death is recorded as under:-

**“The cause of death to the best of my knowledge and belief is-**

Asphyxia due to antemortem ligature compression over the neck. However, viscera has been preserved to rule out any concomitant intoxication/poisoning. All the injuries are antemortem in nature and fresh in duration.”

12. The aforesaid testimony of the son of the applicant (PW-1) is corroborated by the postmortem report. Admittedly, on the date of the incident, it was the applicant, his deceased wife and the son, who were present in the flat and nobody else. The evidence recorded before the learned Trial Court supports the prosecution case and in these circumstances, this Court is of the opinion that no grounds for bail are made out at this stage. It is further pointed out that out of 26 prosecution witnesses cited by the prosecution, 15 have already been examined.

13. In view of the above, the learned Trial Court is requested to ensure that the trial is expedited without giving undue adjournment to either of the parties and finish the same as expeditiously as possible.

14. The application is dismissed and disposed of accordingly.



15. Pending application(s), if any, also stands disposed of.
16. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
17. Order be communicated to the concerned Jail Superintendent for necessary information and compliance.
18. Order be uploaded on the website of this Court, *forthwith*.

**AMIT SHARMA, J**

**FEBRUARY 19, 2025/nk/Pc**

*Click here to check corrigendum, if any*