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

+ **BAIL APPLN. 4083/2025**

SHAKEEL KHAN

.....Petitioner

Through: Mr. Faisal Ishtiaque, Mohd. Shamikh
and Ms. Humaira Khan, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
Mr. Dheeraj Jain and Mr. Shubham
Saraiwal, Advocates for complainant

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

04.12.2025

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 455/2025, registered at Police Station Harsh Vihar, Delhi for the commission of offence punishable under Section 140(3) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
2. Briefly stated, the present FIR was registered on the complaint of one Sunil Kumar, alleging that his wife Suman had gone missing on 29.07.2025 and that co-accused Azad had forcibly taken her away. During investigation, it was revealed that co-accused Azad and the applicant Shakil were allegedly involved in abducting, harbouring, and concealing the victim, constituting offences under Sections 140(3)/3(5) of the BNS. Co-accused Azad was arrested on 19.08.2025, and in his disclosure statement, he allegedly stated that he had stayed with the victim at Yes Inn Guest House, Panchali Khurd,



Meerut on 29.07.2025; thereafter taken her to the Niwari Ganga Canal Bridge, where he killed her and disposed of the body in the Gang Nahar; and that the applicant Shakil had facilitated their movements, including helping them flee to Haridwar on 18.06.2025. He further disclosed that he had brought the victim to the hotel on 29.07.2025 pursuant to Shakil's guidance. It is stated that the applicant remained absconding and evaded arrest despite repeated raids at his permanent and rented addresses, and was eventually arrested on 26.08.2025.

3. The learned counsel appearing on behalf of the applicant argues that the applicant has been arrested solely on the basis of the disclosure statement of co-accused Azad, and that there is no independent evidence linking him to the commission of the alleged offence. It is further argued that the body of the victim has not yet been recovered and there is no allegation of the applicant's involvement in the alleged murder of the victim. It is, therefore, prayed that the applicant be granted regular bail.

4. The learned APP for the State, on the other hand, submits that, as per the disclosure of co-accused Azad, the applicant was the person who had facilitated Azad in fleeing to Haridwar with the victim and had advised him regarding the hotel where they could stay. It is further pointed out that Shakil refused to give consent for a polygraph test.

5. This Court has **heard** arguments addressed on behalf of the applicant and the State and has perused the case file.

6. In the present case, it is not disputed that the only evidence presently available against the applicant is the disclosure statement of co-accused Azad. It is also noted that two unidentified bodies have been recovered from the Gang Nahar in Bulandshahar, Uttar Pradesh, but the FSL report



regarding the identity of the victim is still awaited.

7. Considering the aforesaid facts and circumstances of the case, and the fact that the applicant has been in judicial custody since 26.08.2025, this Court is inclined to grant regular bail to the applicant, on his furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
- iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.

8. Accordingly, the present bail application stands disposed of.

9. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

10. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 04, 2025/ns/TD