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

+ **BAIL APPLN. 4672/2024**

FARHAT ALI

.....Petitioner

Through: Mr. Tahir Ali, Mr. Sajid Ansari Ms. Sameeha Siddiqui, Mr. Divyashu Jain, Ms. Kritika Mohan and Mr. Shahid Ahmad, Advocates (VC)

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the State

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

22.09.2025

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1. The applicant, being tried as per chargesheet under Sections 365/302/201/394/411/34 IPC, seeks regular bail during pendency of the trial in the criminal proceedings arising out of FIR No. 35/2019 dated 31.01.2019 registered at Police Station Subhash Place, Delhi.

2. Succinctly, prosecution case is that the complainant Aarti, reported that her husband, Sh. Ram Govind (32 years), who worked as a driver with his Hyundai Accent car attached to Ola/Uber, left home on 28.01.2019 and did not return. Despite efforts, he could not be traced. Accordingly, a missing report was lodged at P.S. Subhash Place on 29.01.2019. As he remained untraceable, Aarti expressed suspicion of kidnapping. On 31.01.2019, her detailed statement was recorded, and based on the facts, FIR No. 35/19 dated 31.01.2019 was initially registered under Section 365 IPC

BAIL APPLN. 4672/2024

Page 1 of 4



at P.S. Subhash Place, Delhi.

2.1. In course of investigation, on 03.02.2019, the accused Farhat Ali and Seema Sharma @ Aseeman Khatoon were arrested. During police custody, they confessed to: hiring the cab from Kapashera Border and taking the driver to their residence in Noida; serving him tea laced with sedatives to intoxicate him; and strangulating him with a rope, and dismembering his body into three bundles.

2.2. At the instance of the accused, the body parts of the murdered deceased were recovered on 03.02.2019 and 05.02.2019.

3. In this backdrop, I have heard the rival submissions and perused the case record.

4. Learned counsel for the applicant would inter alia argue on the lines of grounds pleaded in the petition, urging that the petitioner has been in judicial custody since 02.02.2019, having already undergone over 6 years and 7 months of incarceration, which amounts to pre-trial punishment contrary to settled law. The investigation is complete, the charge sheet filed, and charges framed. Key witnesses have been examined and discharged. The recoveries cited by the prosecution are doubtful as they were allegedly made from public places without any independent witness, casting doubt on their authenticity. The petitioner has strong roots in society, undertakes to cooperate with the trial, and there is no risk of absconding or tampering with evidence. As the trial is likely to take considerable time to conclude, the petitioner seeks release on bail.

5. In response, learned APP for the State vehemently opposes the bail application, arguing that it lacks merit. It is a brutal and heinous murder committed by the applicant/accused Farhat Ali in a premeditated and



calculated manner. Along with a co-accused, he lured the deceased to their residence, administered sedatives, strangled him to death, and subsequently dismembered the body in order to destroy evidence. The recovery of body parts at the instance of the accused clearly establishes his direct and active involvement in the offence.

6. Learned APP for the State further argues that the gravity of the crime itself is sufficient ground to deny bail. The offences involved are under Sections 302/201/365/394/411/34 IPC, all of which are extremely serious and attract severe punishment. The deliberate and gruesome manner in which the crime was executed reflects the dangerous mental disposition of the accused. Releasing the accused on bail poses a grave risk of his absconding, misusing the liberty of bail, tampering with evidence, or influencing prosecution witnesses. Since several prosecution witnesses are yet to be examined, his premature release would seriously prejudice the fair trial of the case.

7. Having heard respective learned counsel and considered the reasons recorded by the learned ASJ while rejecting bail on 21.11.2024, at this stage, no opinion can be formed in favour of the applicant to accord him concession of bail. I am in agreement with the stand taken by learned APP. There are other reasons too.

8. In course of hearing, status report dated 09.09.2025 has been tendered which is taken on record. The same reveals that during investigation, a Samsung mobile phone was also recovered from co-accused Seema which contained photographs of the mutilated body of Ram Govind, which was seized along with Farhat Ali's phone. During interrogation, Farhat Ali disclosed that he had met Seema Sharma about six months earlier,



developed an intimate relationship, and they began living together. Facing financial difficulties, he told her he wanted to open a clinic, so they planned to steal a car in Delhi. On 28.01.2019, they traveled from Ghaziabad via metro to Kapashera, Delhi, where they found Ram Govind's cab and hired it with intent to commit crime, as above. Subsequently, at their instance, the head of deceased Ram Govind was also recovered.

9. In view of the aforesaid, given the gruesome manner and the gory details in which the murder was committed and the incriminating material unearthed against applicant, I am of the view that any concession accorded to him is fraught with the danger of his absconding from the trial proceedings and in order to secure his presence his bail pleas has to be necessarily rejected.

10. The application is accordingly dismissed.

ARUN MONGA, J

SEPTEMBER 22, 2025/dy