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

+ BAIL APPLN. 4826/2024

HARISH

.....Petitioner

Through: Ms.Shalu Kumari, Advocate
versus

STATE GOVT. NCT OF DELHI

.....Respondent

Through: Ms.Richa Dhawan, APP for State
with SI Bineet Pandey, Advocate

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

18.09.2025

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1. Having remained under incarceration since 24.08.2022 (more than 3 years 25 days) in criminal proceedings arising out of an FIR No.609/2022 for the alleged offences punishable under Section 302 IPC, registered at Police Station Mundka, the applicant seeks bail.

2. Case set up against the petitioner as per the prosecution is that :-

2.1 On 24.08.2022, Police Control Room received a call reporting that a girl had been stabbed in the neck with a knife, that the assailant had been apprehended on the spot, and that the girl was still alive. The information was received at PS Mundka and marked to SI Dalbir Singh. SI Dalbir Singh, along with Constable Krishan (No. 2057/OD), visited H. No. 425, Khasra No. 53/18, Gali No. 03, Lekhram Park, Kachi Colony, Tikri Border, Delhi. On enquiry, it was found that the injured had already been taken to the hospital by a PCR van. SI Dalbir Singh then called the FSL and Crime Team to inspect the scene.

2.2 SI Dalbir Singh met the caller, Chander Mohan Chandan S/o Late Birju Singh, residing at H. No. 425, Khasra No. 53/18, Gali No. 03,



Lekhram Park, Delhi. In his statement, he said that he lived with his family in a rented house at the above address and ran a grocery shop there. He further stated that at about 12:50 p.m. he was standing outside his shop when Harish (petitioner), who lived in the neighbourhood, came running out of his room, followed by Shivani (deceased), D/o Bhojraj. Shivani pointed at Harish and shouted, "Catch him, he stabbed me." With the help of others, Chander apprehended Harish while some people attended to Shivani, who had collapsed in the lane with blood oozing from her neck. Chander immediately called the police (from mobile no. 9599014812), after which a PCR vehicle arrived and took Shivani to the hospital.

2.3 Chander further stated that Shivani lived with her parents and brothers at H. No. 425, Gali No. 03, Lekhram Park. Harish had also been living in the same house for the past one year through Shivani's mother. At the time of incident, Shivani's parents were away in their village (UP). Chander handed over Harish S/o Mishri Lal, aged 18½ years, to SI Dalbir Singh.

2.4 During enquiry, HC Samundar (No. 1541/OD) arrived with MLC No. 21932/22 of Shivani. The doctor had noted a stab injury on her neck and declared her brought dead. Based on the MLC and Chander's statement, FIR No. 609/22 U/S 302 IPC was registered at PS Mundka against Harish. Investigation was assigned to Insp. Bineet Kumar Pandey.

2.5 Insp. Bineet Pandey seized the exhibits, including the knife recovered from the spot, and prepared the site plan on the complainant's instance. The petitioner was interrogated in the custody of Ct. Krishan. During interrogation, Harish disclosed that during the 2020 lockdown he came into contact with Rama Devi (mother of the deceased), moved into



her rented accommodation, and developed physical relations with her. When Rama Devi's husband and children came to know of the affair, Shivani began abusing Harish and asking him to leave the house, which angered him. On 24.08.2022, when Rama Devi and her family had gone to their village and Shivani was alone, an argument broke out between Harish and Shivani. In anger, Harish slit her throat with a knife he had brought from his factory. On hearing Shivani's screams, neighbours rushed in and caught him while he tried to flee.

2.6 The petitioner was arrested, medically examined at SGM Hospital, and sent to judicial custody.

2.7 After completion of investigation, charge sheet was filed before the Trial Court on 28.11.2022.

3. Trial is thus going on and witnesses are undergoing examination.

4. Learned counsel for the petitioner would argue on lines of grounds pleaded in the petition *inter alia* urging as below:-

4.1 The Petitioner is a 19-year-old law-abiding citizen from a respectable family with no prior criminal record. He is the sole breadwinner, and his continued incarceration would cause undue hardship to him and his dependents.

4.2 The Petitioner was arrested on 24.08.2022. At barely 19 years of age and of poor means, his incarceration serves no purpose other than harassment. The investigation is complete, the chargesheet has been filed, and further custody would amount to pre-trial punishment, which is impermissible.

4.3 The allegations in the FIR are false and fabricated, riddled with material contradictions. There is no eyewitness to the incident, no recovery



has been made from the Petitioner, and no documentary evidence credibly links him to the alleged offence.

4.4 The police case rests on coerced statements of co-accused and tainted material. The investigation is biased, predetermined, and carried out with ulterior motives to falsely implicate the Petitioner.

4.5 The prosecution relies solely on the Complainant's statement, which suffers from inconsistencies and material lacunae. The case remains uncorroborated, and the evidence fails to establish the essential ingredients of the alleged offence.

4.6 The Petitioner is entitled to the presumption of innocence, a fundamental principle of criminal jurisprudence and part of Article 21 of the Constitution guaranteeing personal liberty. He undertakes to cooperate fully with the trial, attend hearings as required, and not tamper with evidence or threaten witnesses.

4.7 Considering his clean antecedents, young age, alleged false implication, absence of credible evidence, permanent residence, social roots, and no likelihood of absconding, coupled with his willingness to abide by any condition imposed by this Court, it is respectfully submitted that the Petitioner deserves to be released on bail in the interest of justice.

5. Learned APP for the State opposes the bail plea, contending that the Petitioner is facing trial for a heinous, premeditated murder under Section 302 IPC in FIR No. 609/22. On 24.08.2022, the deceased Shivani was found with her throat slit and declared brought dead in MLC No. 21932/22. Investigation revealed motive arising from the Petitioner's prior illicit relationship with the deceased's mother and subsequent altercations, culminating in the fatal attack. The Petitioner attempted to flee but was



apprehended at the spot. The weapon used in the crime was seized, and FSL analysis confirmed the presence of the deceased's blood on the blade, corroborating the prosecution case and establishing a strong prima facie case.

5.1 The State counsel further submits that given the gravity and premeditated nature of the offence, releasing the Petitioner on bail would compromise the interests of justice. There is a real risk of tampering with evidence, influencing witnesses, or absconding. The chargesheet has been filed and the trial is underway, with 6 out of 22 witnesses already examined. In these circumstances, bail ought not to be granted.

6. I have heard learned counsel for the petitioner as well as the learned APP for the State and have perused the material on record.

7. The earlier bail application of the applicant was rejected vide an order dated 14.11.2024 passed by the learned Additional Sessions Judge-08, West, Tis Hazari Court, inter alia, premised on the reasoning that The accused stands charged under Section 302 IPC, and the allegations against him are grave and serious. The offence attracts the most severe punishments, including death or life imprisonment, highlighting the gravity of the matter. PW-1 has supported the prosecution case, and prima facie evidence has emerged against the accused. Being a permanent resident of Bareilly, U.P., the accused poses a real risk of absconding or jumping bail. The trial is ongoing and at an intermediate stage, with other key witnesses yet to be examined. While the learned counsel has cited the Hon'ble Supreme Court's principle that mere involvement in a murder case does not bar bail, the court must still apply the established parameters for granting bail and determine whether any valid grounds exist in the present case.



8. I am one with the opinion expressed in the order passed by the learned Sessions Judge.

9. The manner of the killing i.e. slitting the throat of a young woman, shows extreme brutality and premeditation. The gravity of the crime itself dissuades me to deny bail, though no doubt guilt is yet to be established as the trial is underway. However, motive (prior illicit relationship and quarrels), presence of the accused at the spot, attempt to flee, recovery of weapon, and FSL report together form a complete chain and prima facie point to the Petitioner's culpability.

10. The Petitioner attempted to escape at the scene of crime, showing propensity to evade law. If released, the risk of absconding is real and imminent. Also, granting bail in a case of such brutality could send a wrong signal to society and erode public faith in the justice system.

11. Aside above, having seen the testimony of PW1 Chander Mohan, the same has remained unimpeached in the cross-examination, I am not inclined to grant bail to the petitioner at this stage. PW1 has clearly stated in his examination that he saw the accused Harish running out of a house, followed by the deceased Shivani, who shouted that Harish had stabbed her. Blood was visible on her neck. The witness, with the help of others, apprehended Harish and took Shivani to the hospital in a rickshaw, where she was declared dead. He immediately called the police, guided them to the crime scene, and provided a statement (Ex. PW-1/A). No doubt, the witness did not see who caused the injury, but he confirmed he could identify Harish if shown, and denied any suggestions that he was deposing falsely.

12. Moreover, several witnesses are from the same locality. Granting



bail may expose them to threats or pressure or inducement. Applicant, if granted concession of bail, possibility of his interfering with the fair trial cannot be ruled, given the incriminating material emerged so far and/or otherwise he may jump the bail. His presence before the trial court needs to be secured by taking preventive measure at this stage.

13. *Qua* the argument of learned counsel of the petitioner that there are inherent contradictions in the statements of the witnesses, the same is matter of trial and shall be dealt with appropriately at the relevant stage, and is not for this Court to make any observation.

14. At this stage, in light thereof, I am of the opinion that the applicant is not entitled to concession of bail. In view thereof, the present application is dismissed with liberty to file fresh one at subsequent stage depending upon the trial progress.

ARUN MONGA, J

SEPTEMBER 18, 2025/SV