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

+ **BAIL APPLN. 4852/2024**

SEEMA HOODA

.....Petitioner

Through: **Mr. Manish Yadav and Mr. Himanshu Chand, Advocates**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Laksh Khanna, APP for State with Insp. Amit PS: Baba Haridas Nagar**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **03.02.2025**

1. The present application has been filed under 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in FIR No. 177/2024 under Sections 302/201/120B/34 of the Indian Penal Code, 1860 ('IPC') and Sections 25 and 27 of the Arms Act, 1959 ('Arms Act') registered at Police Station (P.S) Baba Haridas Nagar.

Brief facts

2. The case of the prosecution as borne out from the status report is that on a complaint of Deepak Hooda [husband of the Applicant] a missing report with respect to his younger brother Ravi alias Sonu was lodged vide DD No. 46 A dated 24.03.2024. The local police tried to trace out the missing person i.e. Ravi however nothing could have been found.

3. It is stated that thereafter on 15.05.2024 the local police were approached again by the complainant/Jyoti and her sister with regards to



filing of the missing report of their younger brother i.e. Ravi alias Sonu. Thus, a fresh complaint was filed. In the said complaint they named their brother Deepak Hooda and the Applicant/Seema Hooda (wife of Deepak Hooda) of having played a role in abducting/kidnapping Ravi alias Sonu. On the basis of this complaint, FIR No. 177/2024 was registered and investigation ensued.

3.1. It is stated that during investigation, one Lalit alias Shunty approached the local police and in his statements recorded under Sections 161 and 164 of Cr.P.C he stated that his friends Neeraj Dahiya, Neeraj Sehrawat and other person had hatched a conspiracy; and they have either abducted/kidnapped or murdered Ravi alias Sonu.

3.2. It is stated that thereafter, the accused persons Neeraj Dahiya and Applicant/Seema Hooda were apprehended and interrogated separately and later on, both the accused persons were arrested in the above said case. The Applicant was arrested on 16.05.2024.

3.3. It is stated during interrogation it was disclosed by the co-accused Neeraj Dahiya that the Applicant/Seema Hooda and co-accused Neeraj Sehrawat were in an illicit relation and they both had borrowed money from the deceased Ravi. However, since Ravi started demanding the money lent by him to the Applicant [Rs. 3 lakhs] and co-accused Neeraj Sehrawat [Rs. 4 lakhs] as well as opposed their illicit relation, therefore, they hatched a conspiracy along with co-accused Neeraj Dahiya to murder Ravi.

3.4. It was further revealed that as per their plan co-accused Neeraj Sehrawat made Ravi sit in a red color Swift Car bearing no. DL-9CBC-2970 [which stands in the name of the Applicant] and picked up Neeraj Dahiya from Bhalgarh, Haryana and thereafter murdered him/Ravi near



Gang Nahar opposite Bhalshona Village in the area of PS Sardhana, Meerut, Uttar Pradesh.

3.5. It is stated that separately a dead body of a male was found in the area of P.S. Sardhana and in this regard a case vide FIR No. 112/24 dated 20.03.2024 under Sections 302/201 IPC at P.S. Sardhana, District, Meerut U.P. was also registered. The exhibits related to the said case was lifted by U.P. police and deposited with the Malkhana of P.S. Sardhana, U.P.

3.6. It is stated that the description of the deceased in FIR No. 112/24 matched with the missing person Ravi. The complainant/Jyoti identified the deceased to be Ravi through the photographs taken in FIR No. 112/24. It is stated that thereafter the FIR No. 112/24 was transferred to P.S. Baba Haridas Nagar, Delhi and clubbed with the present case file.

3.7. It is stated that at the instance of the Applicant/Seema Hooda, on 18.05.2024, co-accused Neeraj Sehrawat has been arrested and one pistol, one live cartridge and Swift car bearing number DL-9CBC-2970 used in offence as well was recovered from him.

3.8. It is stated that, thereafter, at the instance of the co-accused Neeraj Sehrawat, one Anubhav Malik was arrested as he had sold the pistol and ammunition to co-accused Neeraj Sehrawat. It is stated that lastly at the instance of accused Anubhav Malik another person named Ankit was arrested as it is alleged that it was Ankit who sold the pistol and ammunition to Anubhav Malik.

3.9. It is stated that chargesheet in the matter has been recently filed and the next date of hearing before the Trial Court is 14.02.2025; and the matter is at the stage of arguments on framing of charge.



Arguments of the Applicant/accused

4. Learned counsel for the Applicant/Seema Hooda states that she has been falsely implicated in the present case.

4.1. He states that the nothing has been recovered at the instance of the Applicant and after filing of the chargesheet as well, the Investigating officer (I.O) has failed to show any relevant evidences against the Applicant.

4.2. He states that the Applicant has been falsely implicated only on the basis of the Call Details Records (CDRs) and disclosure statements of other co-accused persons i.e., Neeraj Dahiya and Neeraj Sehrawat. However, such disclosure statements are not admissible per se.

4.3. He states that the prosecution has not filed any evidence to prove the alleged illicit relationship between the Applicant and the co-accused Neeraj Sehrawat.

4.4. He states that no documentary proof has been filed against the Applicant to support the allegation that Applicant was involved in the conspiracy to kill the deceased [Ravi] except the disclosure statements. He states that there is no documentary proof of the alleged loan advanced by deceased Ravi to the Applicant.

4.5. He states that investigation qua the present Applicant has already been completed and chargesheet as well stands filed before the Trial Court. He states that since the trial is likely to take a considerable amount of time; therefore, no useful purpose would be served for keeping the Applicant in judicial custody.

4.6. He states that there is no criminal antecedent against the Applicant and as such there are no chances of the applicant for fleeing or tampering



with any evidence if she is admitted to bail. He states that Applicant is a woman and has a minor son aged approximately 10 years. He states that Applicant's husband Deepak is her pairakar.

4.7. He states that the Swift car allegedly used in the commission of the offence though standing in the name of Applicant was recovered from the possession of co-accused Neeraj Sehrawat. He states that it is a matter of evidence that Neeraj Sehrawat used to routine the Applicant's car however she had no knowledge of the use of the car in the commission of the offence.

4.8. He further states that the Applicant undertakes to make himself available as and when directed by this Court or as required by the police officials /IO.

4.9. He states that co-accused Anubhav Malik and Ankit have already been granted regular bail.

Arguments of the State

5. In reply, Mr. Khanna, learned APP opposes the bail application of the Applicant. He states that the present case is a case involving commission of an offence of murder and the allegations levelled in the FIR against the Applicant are very serious and grave in nature.

5.1. He states that the Applicant is the conspirator of this crime along with her paramour co-accused Neeraj Sehrawat as they were unwilling to return the money borrowed from the deceased Ravi. He states that in case bail is granted to the Applicant, there are chances that the prosecution's witnesses which are yet to be recorded would be exposed to threat, coercion and/or undue influence.



5.2. He states the fact that the vehicle/Swift car used in the offence stands in the name of the Applicant and it was used by the co-accused Neeraj Sehrawat for committing the said crime.

5.3. He states that during investigation it was found that Applicant/Seema Hooda was using the mobile phone of co-accused Neeraj Dahiya, hence, it clearly shows the involvement of the Applicant in the said conspiracy to kill the deceased [Ravi].

5.4. He states that previously as well the regular bail application of the Applicant filed before the ASJ-04, South-west District, Dwarka Courts, New Delhi (Trial Court) has been dismissed vide order dated 18.12.2024.

Analysis and conclusion

6. This Court has heard the submission of the parties.

7. The Applicant has been in judicial custody for 08 months and 14 days as on 29.01.2025. It has also not been disputed by the prosecution that the antecedents of the Applicant are clean, in as much as, no other criminal case is pending against the Applicant.

8. As per the case of the prosecution the murder of the deceased was committed by accused Neeraj Sehrawat and accused Neeraj Dahiya. The Swift car used in the commission of the offence and the pistol has been recovered from accused Neeraj Sehrawat.

9. The allegation against the Applicant/Seema Hooda is that she conspired with the aforesaid accused to hatch a conspiracy to murder the deceased Ravi. In support of the said allegation the prosecution is relying upon the disclosure statement of the co-accused. The prosecution has also relied upon CDRs of the mobile phones used by the accused persons to substantiate the said plea. The disclosure statement by itself are not



admissible in evidence and evidentiary value of the CDR data shall be evaluated at the time of trial, however, at this stage for the purpose of adjudicating this application the said evidence cannot form the sole basis of denying the bail.

10. The Applicant is a young woman of 35 years and has a minor son who is approximately 10 years old. The investigation is complete and the chargesheet in the present case already stands filed, therefore, this Court is of the opinion that no useful purpose will be served by keeping the applicant in judicial custody and the trial is likely to take a considerable amount of time, therefore, the Applicant cannot be made to spend the entire period of trial in custody.

11. The allegation that the Applicant may influence or tamper the evidence could not be substantiated by the prosecution during arguments.

12. Thus, taking into account the overall facts and without commenting on the merits of the case, this Court is of the opinion that the Applicant ought to be enlarged on bail. The Applicant is, therefore, admitted to regular bail in FIR No. 177/2024 registered at P.S. Baba Haridas Nagar and is directed to be released on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court and subject to the following conditions:

- (i) Applicant will not leave the country without prior permission of the Trial Court.
- (ii) Applicant shall provide her permanent address to the Trial Court. The Applicant shall intimate the said Court by way of an affidavit and to the IO regarding any change in residential address.



(iii) Applicant shall appear before the Trial Court as and when the matter is taken up for hearing.

(iv) Applicant shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.

(v) Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant or any member of the complainant's as well as deceased family except her own husband Deepak Hooda and her minor son.

(vi) The Applicant shall not threaten the witnesses or tamper with the evidence of the case.

(vii) The Applicant shall physically report at the Police Station in Baba Haridas Nagar, Delhi once in a month, i.e., on the 1st Monday of every month at 04:00 PM and the concerned officer is directed to release her by 05:00 PM after recording her presence and completion of all formalities.

13. In the event of there being any FIR/DD-entry/Complaint lodged against the Applicant during the period of bail, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

14. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.



15. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
16. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
17. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 3, 2025/rhc/mt/ms