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

+ **CRL.M.C. 495/2025**

YATEDER PAL

.....Petitioner

Through: Mr. Purshottam Sharma,
Ms. Reena & Mr. Prabhal
Singh, Advs.

versus

**THE STATE GOVT. OF NCT OF
DELHI AND ANR.**

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
Inspector Harish Kumar,
PS- Karawal Nagar
Mr. Satyam Thareja, Mr.
Shikhar Yadav & Mr.
Deepak Arya, Advs. for
R2

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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21.08.2025

1. The present petition is filed seeking challenging the order dated 24.10.2024 (hereafter '**impugned order**'), passed by the learned Additional Sessions Judge ('**ASJ**'), Karkardooma Courts, Delhi, in Bail Matter 927/2024 in FIR No. 193/2024, registered at Police Station Karawal Nagar ('**FIR**'), whereby Respondent No.2 was enlarged on bail in the aforesaid case.

2. Briefly stated, on 21.05.2024, a PCR call was received from the victim's brother informing that she had committed suicide. On reaching the spot, it was found that the victim had committed suicide by hanging herself using her *dupatta*. One

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suicide note was found on the mobile of the victim stating that her husband (Respondent No.2) and some of his other family members are the cause of her death and she could not handle any further torture. The statement of the victim's father was recorded wherein he stated that the victim had gotten married to Respondent No.2 on 23.02.2023. He alleged that although no dowry was demanded at the time of marriage, however, later on, Respondent No.2 used to force the victim to bring money. The same led to registration of the FIR on 21.05.2024 for the offences under Sections 498A/304B/306/34 of the Indian Penal Code, 1860 ('IPC').

3. By the impugned order, the learned ASJ admitted Respondent No.2 on bail by observing as under:

"It is not in dispute that accused/applicant was not in the company of deceased at the time of incident as the alleged incident of suicide has taken place in the paternal home of the deceased. In the statement recorded by the SDM on the date of incident, the father of deceased had not leveled any specific allegations against the accused/applicant to show that the deceased was subjected to cruelty "soon before her death" by the accused. Entire case of the prosecution is based on circumstantial evidence and suicide note of deceased in electronic form, which has already been sent to the FSL. The accused has already suffered incarceration in JC for about 5 months."

4. The learned counsel for the petitioner submits that the learned ASJ has given undue weightage to Respondent No.2 not being in physical vicinity of the victim at the time of the incident.

5. He submits that it has been admitted by Respondent No.2 that he remained in contact with the victim till midnight of the incident wherein he had arguments with the victim and threatened to divorce her. He submits that the aforesaid admission coupled with the WhatsApp texts between the victim



and Respondent No.2 as well as the suicide note indicate that the victim was facing severe mental cruelty through digital mode up to three hours before her suicide. He also relies upon certain WhatsApp texts between the victim and Respondent No.2.

6. He submits that the learned ASJ has erred in not taking into consideration the said WhatsApp chats, which are critical to the case, while admitting Respondent No.2 on bail. He submits that at the time of grant of bail, the protest petition in relation to the chats not being seized was still pending, but a supplementary chargesheet has since been filed.

7. He submits that the father, mother, sisters and brother of the victim have also given statements that she was subjected to physical and mental cruelty which led to her suicide. He submits that the absence of any specific averment in the initial statements cannot be to the benefit of Respondent No.2 as the family members of the victim were in a state of extreme trauma at that stage.

8. He submits that the petitioner is also apprehensive that the accused persons have connived with the Investigating Officer to prejudice the trial and repeated directions have also been issued against the Investigating Officer to carry out investigation in relation to certain aspects.

9. *Per contra*, the learned counsel for Respondent No.2 submits that Respondent No.2 was enlarged on bail more than ten months back and it is not alleged that he has interfered in the trial or evaded the same so as to warrant cancellation of his bail.

10. He submits that the victim had returned to her maternal home almost three weeks prior to her suicide and apart from



routine marital dispute between the parties, there is no active act attributed to Respondent No.2 which could have led to the victim's death.

11. He further submits that the arguments agitated on behalf of the petitioner are in the nature of arguments on charge, and at this stage, the impugned order ought not to be interfered with in absence of any adverse circumstances.

12. He relies upon the judgment on the case of **Jai Kumar v. Balhari & Anr. : Criminal Appeal No. 1712/2010** wherein the Hon'ble Apex Court had set aside the order of the High Court cancelling the bail granted to an accused in an FIR registered for offences under Sections 498A and 304B of the IPC. It was found that the High Court had erred in holding that when there was material to frame charge, bail ought not to have been granted to the accused therein as the considerations for grant of bail and to frame charge are different.

13. I have heard the counsel and perused the record.

14. It is trite law that an order granting bail ought not to be disturbed unless there are strong reasons to do so. The party seeking cancellation of bail must establish a compelling case and demonstrate that the said order was illegal, unjust or improper.

15. In the present case, this Court is tasked with ascertaining the correctness of the bail granted to Respondent No.2. While certain averments have been made in relation to apprehensions of Respondent No.2 also influencing the trial, the main emphasis of the petitioner is on the learned ASJ admitting Respondent No.2 on bail without considering the WhatsApp chats between the victim and Respondent No.2, and the weightage given to



Respondent No.2 not being in physical vicinity of the victim at the time of the incident.

16. The considerations for cancellation of bail on account of conduct of the accused pursuant to being enlarged and for setting aside an order granting bail on account of the correctness of the said order, are materially different. In the latter, instead of considering any supervening circumstances, the Court is required to see if the order of bail is perverse or suffers from any flagrant infirmity. The Hon'ble Apex Court in ***Mahipal vs. Rajesh Kumar @ Polia and Anr : (2020) 2 SCC 118***, had appreciated the different considerations involved in considering an application for cancellation of bail as against an assessment of the correctness of an order granting bail. The relevant portion of the judgment is as under :

“16. *The considerations that guide the power of an appellate court in assessing the correctness of an order granting bail stand on a different footing from an assessment of an application for the cancellation of bail. The correctness of an order granting bail is tested on the anvil of whether there was an improper or arbitrary exercise of the discretion in the grant of bail. The test is whether the order granting bail is perverse, illegal or unjustified. On the other hand, an application for cancellation of bail is generally examined on the anvil of the existence of supervening circumstances or violations of the conditions of bail by a person to whom bail has been granted...*”

(emphasis supplied)

17. In the case of ***Puran v. Rambilas : (2001) 6 SCC 338***, while dealing with a challenge to cancellation of bail by the High Court in a case involving offences under Sections 498A and 304B of the IPC, the Hon'ble Apex Court had observed that ignorance of material and evidence on record would render an order granting bail to be perverse. It was further observed that if



the approach in granting bail was plagued with infirmity, it was incumbent on the Court to interfere with the same in the interests of justice. The relevant portion of the judgment is as under:

*“10. Mr Lalit next submitted that once bail has been granted it should not be cancelled unless there is evidence that the conditions of bail are being infringed. In support of this submission he relies upon the authority in the case of **Dolat Ram v. State of Haryana [(1995) 1 SCC 349 : 1995 SCC (Cri) 237]**. In this case it has been held that rejection of bail in a non-bailable case at the initial stage and the cancellation of bail already granted have to be considered and dealt with on different basis. It has been held that very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail already granted. It has been held that generally speaking the grounds for cancellation of bail broadly are interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. It is, however, to be noted that this Court has clarified that these instances are merely illustrative and not exhaustive. **One such ground for cancellation of bail would be where ignoring material and evidence on record a perverse order granting bail is passed in a heinous crime of this nature and that too without giving any reasons. Such an order would be against principles of law.** Interest of justice would also require that such a perverse order be set aside and bail be cancelled. **It must be remembered that such offences are on the rise and have a very serious impact on the society. Therefore, an arbitrary and wrong exercise of discretion by the trial court has to be corrected.***

*11. Further, it is to be kept in mind that the concept of setting aside the unjustified illegal or perverse order is totally different from the concept of cancelling the bail on the ground that the accused has misconducted himself or because of some new facts requiring such cancellation. This position is made clear by this Court in **Gurcharan Singh v. State (Delhi Admn.) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41 : AIR 1978 SC 179]**. In that case the Court observed as under: (SCC p. 124, para 16)*

*“If, however, a Court of Session had admitted an accused person to bail, the State has two options. It may move the Sessions Judge if certain new circumstances have arisen which were not earlier known to the State and necessarily, therefore, to that court. **The State may as well approach the High***



Court being the superior court under Section 439(2) to commit the accused to custody. When, however, the State is aggrieved by the order of the Sessions Judge granting bail and there are no new circumstances that have cropped up except those already existing, it is futile for the State to move the Sessions Judge again and it is competent in law to move the High Court for cancellation of the bail. This position follows from the subordinate position of the Court of Session vis-à-vis the High Court.”

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13. Our view is supported by the principles laid down in the case of Gurcharan Singh v. State (Delhi Admn.) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41 : AIR 1978 SC 179]. In this case it has been held by this Court that under Section 439(2), the approach should be whether the order granting bail was vitiated by any serious infirmity for which it was right and proper for the High Court, in the interest of justice, to interfere.”

(emphasis supplied)

18. A bare perusal of the impugned order indicates that the learned ASJ has been essentially weighed by the fact that the victim committed suicide at her maternal home and that no allegations have been made by the victim's father in his statement to the SDM in relation to the victim being subjected to harassment “soon before her death”.

19. Undisputably, the crucial fact of the victim being in touch with Respondent No.2 shortly before her death through digital mode has not been taken into consideration by the learned ASJ. If the victim was in touch with Respondent No.2, merely because she was at her maternal home when she committed suicide cannot be a ground to grant bail.

20. Although the protest petition in relation to the WhatsApp chats was pending at that stage, however, as pointed out, the same has since been allowed and a supplementary chargesheet has been filed. The chats are crucial to the case of the prosecution, however, despite being aware of the pendency of the
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protest petition, the learned ASJ proceeded to adjudicate the matter without taking the same into consideration.

21. The learned ASJ has also merely brushed aside the suicide note on account of it being sent to FSL as well. Although the period of incarceration undergone by Respondent No.2 has been taken note of, however, it has not been noted that the Court anticipates any delay in trial so as to warrant grant of bail.

22. The alleged offence under Section 304B of the IPC entails a minimum sentence of seven years which may extend to imprisonment for life.

23. While the Court is not required to go into the intricacies of the material on record, however, no observation is given in relation to *prima facie* materials against Respondent No.2.

24. In a case of such gravity, where the material is usually circumstantial in nature, the Courts cannot be allowed to take a casual approach and the aforesaid factors, including the chats, the parties being in touch shortly before death, Respondent No.2 being named in the suicide note and the severity of punishment, require consideration. The impugned order does not reflect proper consideration of the aforesaid factors.

25. It is clarified that this Court does not mean to suggest that Respondent No.2 ought not to have been granted bail in the present case or that the learned ASJ should have extensively commented on the material on record. The observations of this Court are restricted to ascertaining as to whether the learned ASJ has factored all the relevant factors and considered the material on record before granting bail. The impugned order must reflect application of mind, albeit *prima facie*, to the relevant material.



26. In view of the aforesaid discussion, the impugned order is set aside and the bail application of Respondent No.2 is directed to be considered afresh by taking into consideration the aforesaid observations.

27. However, considering that Respondent No.2 has remained on bail for around 10 months, this Court considers it apposite to grant 30 days time to Respondent No.2 to surrender.

28. In case the learned ASJ is unable to decide the bail of Respondent No.2 within the intervening period, Respondent No.2 is directed to surrender on 22.09.2025.

29. The order be communicated to the concerned Principal District & Sessions Judge for compliance and listing before the concerned ASJ on 27.08.2025.

30. The parties are directed to appear before the concerned ASJ on 27.08.2025.

31. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

AUGUST 21, 2025