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

+ **BAIL APPLN. 422/2025**

DEEPAK

.....Petitioner

Through: Mr. Sachin Shukla, Mr. Akash, Mr. Ankit, Mr. Yash Chabra and Ms. Lavanya Popli, Advocates.

versus

STATE NCT OF DELHI THROUGH SHO PS MOHAN GARDEN

.....Respondent

Through: Mr. Tarang Srivastava, APP with SI Barun Kumar Bharti and SI Ravinder Singh.
M. Faraz Maqbool and Ms. A. Sahitya Veena, Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.01.2026

1. By way of this bail application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks anticipatory bail in proceedings arising out of FIR No. 82/2024 dated 08.03.2024, registered in Police Station Mohan Garden, under Section 304B of the Indian Penal Code, 1860 ["IPC"].
2. By an interim order dated 31.01.2025, the Court granted interim protection to the petitioner, recording as follows:

"2. Mr. Sachin Shukla, learned counsel appearing for the petitioner submits, that as would be seen from a perusal of the subject FIR, the allegations against the petitioner, who is the brother-in-law (brother of husband) of the deceased, are vague and general; and no specific role has been ascribed to him in relation



to the offences.

3. Counsel submits, that the date of the incident is 07.09.2023 but the FIR came to be registered about 06 months later on 08.03.2024.

4. Mr. Shukla submits, that the investigation in the matter is complete; and in the status report/reply filed before the learned trial court in the anticipatory bail petition, the Investigating Officer ('I.O.') has himself stated the following :

“During the course of investigation, accused Jagdish Singh and present applicant Deepak have been interrogated in the case on 20.07.24 and 30.11.24 respectively. There is no evidence to arrest the accused persons except statement of the parents of deceased Aayushi. So, accused persons have not been arrested in the case. As per SCRB report accused Deepak has no previous Involvement.”

5. In the circumstances, it is submitted that no custodial interrogation of the petitioner can possibly be required.

6. Issue notice.

7. Ms. Manjeet Arya, learned APP appears on behalf of the State on advance copy; accepts notice; and seeks time to file status report.

8. Learned APP submits that the delay in registration of the FIR occurred because the family of the deceased had moved an application under section 156(3) of the Code of Criminal Procedure, 1973 before the trial court; and the FIR came to be registered only on orders of the learned Magistrate. She submits, that earlier a 'zero' FIR had been registered in Dehradun, Uttrakhand, which was subsequently transferred to Delhi.

9. Let the status report be filed at least 03 days before the next date; with copy to the opposing counsel.

10. In view of the mandate of the Supreme Court in Jagjeet Singh & Ors. vs. Ashish Mishra @ Monu & Anr., the next-of-kin of the deceased is entitled to be heard in the present proceedings. Accordingly, let intimation be sent by the Investigating Officer to the next-of-kin of the deceased informing them that they are entitled to be heard in the present proceedings, for which they may remain present (either in-person or via video-conferencing) or be represented on the next date.

11. Let proof of service of intimation be placed on record before the next date.

12. Re-notify on 29th April 2025.

13. In the meantime, considering the facts and circumstances of the case, it is directed that subject to the petitioner joining investigating as and when called by the I.O. by written notice duly served upon him, no coercive steps shall be taken against him, till the next date of hearing before this court.”



3. The petitioner has since joined investigation; the investigation is complete and a chargesheet has been filed before the concerned Court.

4. I have heard Mr. Sachin Shukla, learned counsel for the petitioner, Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State, and M. Faraz Maqbool, learned counsel for the family of the deceased.

5. Mr. Maqbool has drawn my attention to three orders passed by the Judicial Magistrate First Class [“JMFC”] during the pendency of the present application. By an order dated 03.09.2025, it was recorded that the chargesheet has been filed under Sections 498, 304B and 34 of the IPC, and the file was to be placed before the Chief Judicial Magistrate for transfer, as Section 498A IPC cases are to be heard by the Mahila Court. By order dated 11.09.2025, the JMFC took cognizance of the offences as per the chargesheet, and summons were issued to the accused. On 24.09.2025, all accused persons were present with counsel. Bail bonds and surety were furnished on behalf of two of the accused, namely Mamta and Jagdish, which were checked and accepted. It was thereafter recorded as follows:

“ Personal bond in the sum of Rs.10,000/- furnished on behalf of accused Deepak and the same are accepted till their appearance before the court of Ld. Sessions. Accused Deepak is directed to furnish surety in the like amount before the Ld. Sessions Court

The offence under Section 498(a)/304(B)/34 IPC is exclusively triable by the Court of Sessions. As such, the matter is committed to the Sessions Court.

The accused is directed to appeal before the Ld. Principal District & Sessions Judge, South-West, Dwarka on 06.10.2025 at 2:00 pm.”

6. I am informed that the proceedings have thereafter been assigned to the Court of the Additional Sessions Judge, before whom the matter is



next listed on 11.03.2026.

7. Mr. Maqbool submits that the acceptance of personal bonds on behalf of the applicant herein, during the pendency of this anticipatory bail application before this Court, was irregular, and contrary to the judgment of the Supreme Court in *Rukmani Mahato v. State of Jharkhand* [(2017) 15 SCC 574].

8. Mr. Shukla, however, clarifies that no application for regular bail has yet been made by the present petitioner at any stage, either before the JMFC or before the Sessions Court. He also draws my attention to the specific observation in the order of this Court dated 15.09.2025, that pendency of this petition would not preclude the Trial Court from proceeding further in accordance with law.

9. Although learned counsel for the parties joined issue on the question of whether, in these circumstances, the personal bond ought to have been accepted by the JMFC despite the pendency of the present application, I am of the view that the passage of time renders adjudication of this issue unnecessary. The petitioner has been protected by an interim order of this Court for close to one year. He has since joined the investigation, and there is no allegation against him of misusing the liberty granted. The chargesheet also stands filed, and he has entered appearance before the Sessions Court.

10. In these circumstances, Mr. Shukla states that the petitioner will file an application for regular bail before the Sessions Court within a period of one week from today. The Sessions Court may consider the application on its own merits in accordance with law, without being bound by the orders passed by this Court. Having regard to the facts



noted above, the interim order dated 31.01.2025 will continue to operate until the Sessions Court renders a decision upon the application of the petitioner. However, if no application is filed within a period of one week in terms of these directions, the interim protection will cease to operate after the expiry of one week.

11. The application is disposed of.

PRATEEK JALAN, J

JANUARY 29, 2026

SS/AD/