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

+ **BAIL APPLN. 1800/2026**

INDER PAL

.....Petitioner

Through: Mr. R.N. Sharma & Mr. Om
Kumar, Advocates.

versus

STATE (GOVT. NCT OF DELHI)

.....Respondent

Through: Ms. Manjeet Arya, APP for State.
Insp. Net Ram, PS Jahangir Puri.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **08.05.2026**

CRL.M.A. 14573/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 1800/2026

1. By way of the present applicant under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks anticipatory bail in connection with FIR No. 113/2026, dated 04.03.2026, registered under Sections 85/80/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], lodged at P.S. Jahangir Puri, Delhi.

2. I have heard Mr. R.N. Sharma, learned counsel for the petitioner, and Ms. Manjeet Arya, learned Additional Public Prosecutor for the State. The parents of the deceased are also present in Court.

3. The FIR was registered on a complaint regarding death by suicide of the petitioner's daughter-in-law on 01.03.2026, at the age of 25 years. The deceased married the petitioner's son on 23.11.2025. Thus, the death



occurred approximately three months after the marriage.

4. It may be mentioned, at the outset, that an application for anticipatory bail filed by the petitioner's son [husband of the deceased] was dismissed by an order of this Court dated 17.04.2026 in BAIL APPLN. 1480/2026 [*Amit Chaurasiya v. State (NCT of Delhi)*]. However, Mr. Sharma submits that the role attributed to the present petitioner in the commission of the offence, is materially different from the role attributed to his son.

5. The prosecution case is based upon the statements of the parents of the deceased, recorded before the Executive Magistrate, wherein an allegation was made that the husband of the deceased and his family demanded dowry of Rs. 5 lakhs, out of which Rs. 3 lakhs was paid at the time of marriage. It was also alleged that certain gold articles and other items were gifted to the family of the husband. It was further alleged that the deceased was not allowed to meet her parental family and was subjected to harassment for failure to bring sufficient dowry. The deceased returned to her parental home on 27.02.2026, and committed suicide on 01.03.2026, after receiving a telephone call from her husband.

6. During the course of investigation, the sister-in-law of the deceased also corroborated the above allegations. It was further stated that the petitioner and his family members were not present at their house when raids were conducted at their house on 15.03.2026, 20.03.2026 and 24.03.2026. The petitioner has not joined investigation since.

7. Mr. Sharma submits that no allegation whatsoever is made out in the FIR against the present petitioner, and the allegations regarding demand of dowry are confined to the husband and mother-in-law of the



deceased. He further submits that there is no material to support the allegation of harassment for dowry, attributable to the petitioner. He contends that reliance upon omnibus allegations against the entire family are insufficient to sustain an offence under Sections 80/85 BNS [corresponding to Sections 304B/498A of the Indian Penal Code, 1860].

8. Ms. Arya, on the other hand, submits that the allegations in the FIR concern the death of a young woman by suicide, merely three months after her marriage. The petitioner and his family members have failed to join investigation and the investigation is therefore still at a nascent stage.

9. In order dated 17.04.2026, by which the application seeking anticipatory bail filed by the petitioner's son was dismissed, this Court referred to the judgment of the Supreme Court in *Srikant Upadhyay v. State of Bihar*¹, which emphasizes certain considerations which must prevail in adjudicating an application for anticipatory bail. While characterising anticipatory bail as an “*extraordinary remedy*”, the Court has cautioned circumspection in balancing the personal liberty of the accused with the public interest in a free and fair investigation. The relevant observations in *Srikant Upadhyay* are reproduced hereinbelow:

“30. We have already held that *the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case.* While called upon to exercise the said power, *the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the*

¹ (2024) 12 SCC 382 [hereinafter, “*Srikant Upadhyay*”].



evidence. *We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously defying orders and keeps absconding is not entitled to such grant.²*

10. Additionally, the Court has recently reiterated – even at the stage of regular bail – that in serious offences such as dowry death, the Court is required to consider the nature of the alleged crime, the punishment prescribed under the BNS, the relationship between the deceased and the accused, and the statutory presumption under Section 118 of the Bharatiya Sakshya Adhiniyam, 2023. Reference in this connection may be made to *Chetram Verma v. State of U.P.*³.

11. In the present case, the investigation remains at a nascent stage. The allegations in the FIR are doubtless grave and serious, pertaining to the demise of a 25-year-old woman allegedly harassed for dowry, just about three months after her wedding. While Mr. Sharma contends that no specific allegations against the petitioner are revealed in the FIR, it is also the settled law that FIR is not an encyclopedia⁴ and only a trigger for commencement of the investigation. The petitioner is the father-in-law of the deceased. While an attempt was made to distance him from the affairs of the married couple, any conclusion in this regard at this stage would be pre-mature. Suffice it to state that the petitioner is not some distant

² Emphasis supplied.

³ Criminal Appeal No. 770/2026, decided on 09.02.2026, paragraph 19.

⁴ CBI v. Tapan Kumar Singh, (2003) 6 SCC 175.



relative, but rather a member of the immediate family, and it is also the admitted position that the son and daughter-in-law were living with the petitioner and his family in a common household.

12. Mr. Sharma has drawn my attention to judgments of this Court in *Inderjit Kaur v. State (N.C.T. of Delhi)*⁵, *Girish Kumar v. State*⁶, and *Ganga Prasad v. State*⁷. In *Inderjit Kaur*, the Court found on facts, that the ingredients under Sections 304 and 304(B) IPC were not made out in the FIR. In the present case, for the reasons aforesaid, I do not consider it appropriate to reach this conclusion at this stage. In *Girish Kumar*, the Court proceeded on the statement of the father and brother of the deceased in inquest proceedings, to the effect that they had no grievance against the petitioner therein. The complainants in the present case have not expressed a similar view. In *Ganga Prasad*, the Division Bench of this Court observed that the fact that an accused had absconded will not be treated as a firm conclusion of guilty mind; as innocent person may also abscond out of fear of false implication and arrest. The Court noted that fact of absconding is treated as a small factor at the stage of conviction. The aforesaid judgment was rendered in an appeal against conviction, the parameters of which are entirely different from an application for anticipatory bail within the process of investigation.

13. In any event, this Court does not proceed only on the consideration of the petitioner's conduct of absconding from investigation, but also on other factors relevant to adjudication of an anticipatory bail application, such as the nature of the offence, the allegations against the petitioner,

⁵ 2005 SCC OnLine Del 383 [hereinafter, "*Inderjit Kaur*"].

⁶ CrI.M.(M) No. 28/2001, dated 14.05.2001 [hereinafter, "*Girish Kumar*"].



and the possible requirement of custodial interrogation. In this connection, it may be noted that the Supreme Court in *State v. Anil Sharma*⁸ and *P. Krishna Mohan Reddy v. State of A.P.*⁹ has specifically emphasized that custodial interrogation is more effective in eliciting the truth than investigation while the accused is protected by the Court.

14. Having regard to the above factors, I am of the view that this not an appropriate case for grant of extraordinary remedy of anticipatory bail at this stage.

15. The bail application is therefore dismissed.

PRATEEK JALAN, J

MAY 8, 2026

'pv'/AD/

⁷ CrI.A. No. 245/1999, decided on 11.05.2012 [hereinafter, "*Ganga Prasad*"].

⁸ (1997) 7 SCC 187.

⁹ 2025 SCC OnLine SC 1157, paragraph 19.