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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1916/2025**
SMT. BHUVNESHWARI @ PINKI

.....Petitioner

Through: Mr. Randhir Kumar, Advocate.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with SI Rajesh Kumar.
Mr. Rajiv Bajaj, Ms. Nandini Singhal
and Mr. Naman Arora, Advocates for
complainant.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
27.02.2026

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1. Applicant seeks regular bail in a case arising out of FIR No.0585/2021 dated 03.06.2021, for commission of offence under Section 302 IPC, registered at P.S. Nihal Vihar.
2. The applicant was arrested on 04.06.2021 and is in judicial custody since 09.06.2021.
3. Applicant had earlier filed an application seeking interim bail which was later on converted into regular bail application, on the basis of request made by the learned counsel for the applicant.
4. Learned counsel for the applicant submits that there is no likelihood of trial being concluded in near future and the applicant has already undergone incarceration for more than 4 ½ years and therefore, the applicant herein

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deserves concession of bail on account of having suffered incarceration for a significant period of time and places reliance on *Sunil Bihari Alias Shakti Singh v. The State (NCT of Delhi)*, 2025:DHC:11035 where the accused therein was granted concession of bail by Coordinate Bench of this Court *vide* its judgment dated 08.12.2025 on account of prolonged incarceration, while observing as order:-

“23. Once the applicant undisputedly is in continuous incarceration since 08.06.2018 and once it is clear that the trial is not likely to be concluded in near future, the applicant cannot be denied benefit of bail on the sole criteria of his implication in previous FIRs and the fact that the accused was once declared proclaimed offender.

24. The Hon'ble Apex Court in the case of Union of India v. K.A. Najeeb: AIR 2021 SC 712 held that once it is obvious that a timely trial would not be possible, and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.

25. The investigation in the present case already stands concluded with the filing of chargesheet followed by framing of charges and the material witnesses have already been examined by the learned Trial Court.

26. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.”

5. The trial is underway and it is informed that all the material public-witnesses, including the eye-witness, have been examined. There are 35 witnesses cited in all and so far, 24 witnesses have graced the witness box and the next date of hearing before the learned Trial Court is stated to be 03.03.2026. Learned APP for the State, while opposing the bail *plea* of the applicant, submits that in case the applicant is granted concession of bail, she



is likely to influence the prosecution-witnesses and, therefore, the present bail application is liable to be dismissed. Learned counsel for the complainant has also supported the abovesaid stand taken by the prosecution and it is submitted that if applicant is enlarged on bail, she would try to contact her children and may even attempt to threat and influence them. He also submits that there is every chance of filing cases against them. While relying on *Prasanta Kumar Sarkar vs. Ashis Chatterjee*, (2010) 14 SCC 496, it has been argued that in cases where the offences are of heinous nature, the concession of bail should not be granted. A careful perusal of the judgment would, rather, indicate that, therein, when bail was granted, no reason had been assigned and the Hon'ble Supreme Court held that the relevant circumstances, while enlarging accused therein on bail, have not been considered and, moreover, in that case, the charges had not even been framed, when such bail order was passed.

6. In the present case, as already noted above, material public witnesses, including eye witnesses, have been examined and, since, more than around 11 witnesses are still left, the conclusion of the trial does not seem very likely in near future.

7. The Nominal Roll is on record which indicates that the applicant has no previous involvement of any nature whatsoever. Her medical report is also on record which indicates that she is known case of Hashimoto Thyroiditis i.e. hypothyroidism, *albeit*, she is taking the prescribed medicine, and her condition is stable.

8. Keeping in mind the overall facts of the case, coupled with the fact that the applicant is a lady with no previous antecedents, has remained in custody for more than 4 ½ years and and all the material public-witnesses have already



entered into witness box without and without making any observation on the merits of the case, the applicant is, hereby, directed to be released on bail on her furnishing personal bond in a sum of Rs. 25,000/- with one 'local' surety of like amount, subject to the satisfaction of learned Trial Court/CJM/Duty Magistrate with the following conditions: -

- i. Applicant shall not try to contact and influence any witness, directly or indirectly.
- ii. Learned counsel for the applicant, in all fairness, submits that her one son has been cited as eye-witness and she would ensure that she does not visit the village where her children are presently residing with the other family members of her deceased husband and would also not visit Nihal Vihar, where brother of the deceased husband is residing. If there is any endeavour on the part of the applicant to meet and approach them, the prosecution as well as the concerned family members would be at liberty to seek cancellation of the bail.
- iii. Applicant shall provide her Mobile Number to the concerned I.O and shall ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.
- iv. Applicant would report to concerned SHO/IO every first Sunday of every month at 11:00 A.M. till trial is over.
- v. Learned Trial Court would be at liberty to get the addresses of applicant and surety verified before accepting the bonds.

9. Application stands disposed of.



10. However, since the material public witnesses have already examined, the learned Trial Court is also requested to decide the abovesaid case as expeditiously as possible.

11. A copy of this order be sent to the concerned Court and also to the Jail Superintendent for necessary information and compliance.

MANOJ JAIN, J

FEBRUARY 27, 2026/ss/sa/pb



This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

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