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

\# **CNR No. DLHC010376692026**

\+ BAIL APPLN. 3325/2026

FAKHRUDDIN @ SALMAN @ BABBU .....Petitioner

Through: Mr. Inderpal Khokhar, Ms. Neha and Mr. Dhruv Khokhar, Advocates.

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Tarang Srivastav, APP for the State with Mr. Abhay Sahni, Advocate.
Inspector Mukesh Kumar, PS Nihal Vihar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 29.10.2026

1. The Applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in FIR No. 77/2023, registered at Police Station Nihal Vihar, Delhi, for offences under Sections 498A/304B/34 IPC. An alternative charge under Section 306 read with Section 34 IPC has also been framed. His earlier bail application before this Court was dismissed as withdrawn on 4th September, 2025, with a request to the Trial Court to expedite the examination of public witnesses. His subsequent application was dismissed by the Trial Court on 13th July, 2026.

2. The prosecution case arises from the death of Naseeb Bano, who married the Applicant on 26th September, 2022, and died by hanging at her

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matrimonial home on 12th January, 2023. Her parents alleged that the Applicant and his family members subjected her to harassment and physical cruelty over demands for money, particularly a sum of INR 2.5 lakh for purchasing a house. The Applicant was arrested on 15th January, 2023, and has remained in custody since then.

3. Counsel for the Applicant submits that the deceased's father, who is the complainant, has been examined as PW-1 and that the trial is progressing slowly. It is further pointed out that the co-accused Alisha and Sohel have been granted anticipatory bail, while the Applicant has no previous criminal involvement. The State opposes bail, relying upon the seriousness of the allegations and the apprehension that the Applicant may influence the remaining witnesses, particularly the deceased's mother.

4. The accusation is undoubtedly serious. The deceased died at her matrimonial home less than four months after her marriage, and there are specific allegations of demands for money and harassment against the Applicant, who is her husband. The statutory presumption under Section 113B of the Indian Evidence Act, 1872, subject to proof of its foundational requirements, is also relevant.

5. The complainant's (PW-1) account of the alleged harassment following the marriage is substantially based on what his wife conveyed to him after speaking with the deceased. PW-1 has acknowledged that no complaint concerning dowry demands or harassment was lodged during his daughter's lifetime. The absence of an earlier complaint and PW-1's reliance on information conveyed by his wife do not, by themselves, discredit the allegations. However, their bearing on the prosecution case must be examined at trial, including whether the deceased was subjected to dowry-

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related cruelty or harassment soon before her death. These considerations must also be weighed against the Applicant's prolonged incarceration while deciding bail.

6. The nominal roll records custody of three years, nine months and fourteen days as on 28th October, 2026. His jail conduct is satisfactory, and no previous criminal involvement has been reported. The trial is still at the stage of prosecution evidence, although the testimony of the deceased's father (PW-1) stands concluded. Despite this Court's earlier request to expedite the examination of public witnesses, the trial is unlikely to conclude in the near future. There is nothing on record to suggest that the Applicant has contributed to the delay.

7. The release of the co-accused is a relevant circumstance, although the Applicant, being the husband, stands on a different footing and cannot claim bail solely on parity. The concern regarding possible interference with the deposition of the deceased's mother can be addressed through imposing appropriate conditions.

8. Having regard to the period already spent in custody, the progress of the trial, the Applicant's antecedents and jail conduct, this Court is satisfied that his further incarceration pending trial is not warranted. The seriousness of the charge cannot, by itself, justify indefinite pre-trial detention when the conclusion of trial is not reasonably in sight.

9. Accordingly, the application is allowed. The Applicant shall be released on regular bail upon furnishing a personal bond of INR 25,000/- with one two sureties of the like amount to the satisfaction of the Trial Court/Duty Magistrate, subject to the following conditions:

(i) The Applicant shall appear before the Trial Court on every date of

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hearing, unless exempted.

(ii) He shall not directly or indirectly contact, threaten, influence or approach the deceased's parents or any other prosecution witness, nor attempt to interfere with the evidence.

(iii) He shall furnish his current residential address and mobile number to the Investigating Officer and the Trial Court, and shall intimate any change immediately.

(iv) He shall report to the Investigating Officer on the first Monday of every month and shall not leave the country without prior permission of the Trial Court.

10. Any breach of the bail conditions shall entitle the prosecution to seek cancellation of bail. The observations made herein are confined to the present application and shall not influence the determination of the case on merits.

11. The application stands disposed of.

SANJEEV NARULA, J

OCTOBER 29, 2026
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