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

+ **BAIL APPLN. 2656/2025**

SUNNY

.....Petitioner

Through: Mr. Pradeep Chowdhary, Mr.
Vikrant Chowdhary and Mr.
Gaurav Kapoor, Advocates.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP with
SI Harsh, P.S: Paharganj.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.01.2026

1. The petitioner seeks regular bail in FIR No. 240/2020 dated 24.09.2020 registered at Police Station Paharganj, Central District, Delhi, for offences punishable under Section 302 of the Indian Penal Code, 1860 ["IPC"].
2. I have heard Mr. Pradeep Chowdhary, learned counsel for the petitioner, and Mr. Tarang Srivastava, learned Additional Public Prosecutor.
3. The family members of the deceased (mother and brother) are present in Court pursuant to notice, but state that they do not wish to avail the assistance of counsel.
4. The prosecution has filed a status report, in which the facts of the case are narrated as follows:



- a. On 24.09.2020, a Police Control Room [“PCR”] call was received at Police Station Paharganj regarding the death of a female. Upon arrival at the place of the incident, i.e., H. No. 9702, First Floor, Gali No. 10, Multani Dhanda, Paharganj, a person named Rohini was found in an unconscious condition with blood marks on her neck. She was declared brought dead at Lady Hardinge Medical College and Smt. S.K. Hospital, and a Medico-Legal Case [“MLC”] was conducted.
 - b. The statement of the deceased’s brother was recorded, wherein he stated that the deceased was regularly beaten by her husband, Sunny (the petitioner herein), and that she did not wish to live with the accused. The FIR was registered, and the accused was arrested on the same date, i.e., 24.09.2020.
 - c. Chargesheet has since been filed on 16.12.2020, and the case is pending trial before the Additional Sessions Judge, Tis Hazari Courts, Central District, Delhi, [“Sessions Court”]. It is at the stage of prosecution evidence and is next listed on 30.01.2026.
5. Mr. Chowdhary submits as follows:
- a. The petitioner has already been in custody for approximately five years and three months in connection with the offence.
 - b. The petitioner was an e-rickshaw driver and was not present at the site when the body was recovered or when the PCR call was made.
 - c. There is no material on record to support the conclusion that the deceased died due to unnatural causes, rather than a medical event of some kind.
 - d. There is no eyewitness to the incident, linking the petitioner to the



scene of the crime.

- e. The MLC of the accused, dated 24.09.2020, does not show any signs of injury/struggle.
- f. The only statements, on the basis of which the petitioner was accused of involvement in the crime, were those of the mother and brother of the deceased. Both these persons have given evidence before the Sessions Court as PW-1 and PW-17, respectively, in which they have denied any marital discord between the petitioner and the deceased. Their testimony is wholly inconsistent with the prosecution case. In this connection, Mr. Chowdhary draws my attention specifically to the following extracts of the testimony of the two witnesses:

(PW-1-Mother of the deceased)

"I am residing at the abovesaid address alongwith family. I am a home-maker. Earlier, I was working as maid. I have four children, three daughters, namely, Mohini, Kiran and Rohini, and one son, namely, Tinu. My daughter, namely, Rohini got married to the accused, namely, Sunny around 11 years ago. My daughter has two children, one boy and one girl, out of the said marriage. After marriage, my daughter shifted to her matrimonial house in Gali No. 10, Multani Dhanda, Pahar Ganj, Delhi. The accused, namely, Sunny used to work as e-rickshaw driver from Sadar Bazar to R.K. Ashram Metro Station, Delhi. My daughter alongwith the accused used to reside at 1st floor at her matrimonial house. My daughter was living normal married life. I do not remember the exact date. However, around 2 years ago, one day at about 09.00/10.00 a.m., my son, namely, Tinu asked me to visit matrimonial house of my daughter, namely, Rohini.

I alongwith my son went to the house of my daughter, namely, Rohini. I saw that my daughter, namely, Rohini was lying either on bed or on the floor in her room. I do not remember exactly. She was unconscious. After seeing her, I became unconscious. I do not remember what happened thereafter. The accused, namely, Sunny is present in the Court. Later, I visited hospital and identified dead body of my daughter, namely, Rohini. Police recorded my statement



Ex.PW11/A. It bears my signature at point 'A'. Dead body of my daughter, namely, Rohini was handed over to us after her postmortem vide handing over memo Ex.PW1/B. It bears my signature at point 'A',

At this stage, Ld. Addl. PP for the State seeks permission to cross-examine the witness as she is resiling from her previous statement given to the police.

Heard. Allowed.

XXXXXX by Mr. Amit Dabas, Ld. Addl. PP for the State.

It is wrong to suggest that the accused, namely, Sunny used to harass my daughter after one year of her marriage and he also beaten my daughter, namely, Rohini many times. (Confronted with portion X2 to X3 of statement Ex.PW1/A where it is so recorded.) It is wrong to suggest that I and other relatives tried to make the accused, namely, Sunny understand but the accused kept on harassing my daughter and he had illicit affair with a lady, residing in his gali, due to which the accused, namely, Sunny told us many times that he would leave my daughter, namely, Rohini and re-marry with the said lady. (Confronted with portion X2 to X3 of statement Ex.PW1/A where it is so recorded.) It is wrong to suggest that my daughter informed us many times that the accused, namely, Sunny used to ask her to leave the house otherwise he would kill her. (Confronted with portion X4 to X5 of statement Ex PW1/A where it is so recorded.) It is wrong to suggest that on 20.09.2020, my daughter, namely, Rohini came to our house and informed that the accused, namely, Sunny was harassing her and threatening to kill her and also not giving expenses to her and that she would not go with Sunny. (Confronted with portion X6 to X7 of statement Ex.PW1/A where it is so recorded.) It is wrong to suggest that on 22.09.2020, the accused, namely, Sunny came to our house in drunken condition and told me to send my daughter, namely, Rohini with him by stating that "bus ek baar bhej do, theek se rakhuga, kharcha bhi dunga" and my daughter, namely, Rohini refused to go with Sunny by stating that "yeh mujhe maar dega".

However, I and my son pacified Rohini and sent her with the accused, namely, Sunny.

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I do not remember whether my daughter was lying near bed in the room and there was a mark on her neck.

PW-17 (Brother of the deceased)

"It is wrong to suggest that the accused, namely, Sunny used to



harass my sister after one year of her marriage and he also beaten my sister, namely, Rohini many times. (Confronted with portion X to X1 of statement Ex.PW17/A where it is so recorded.) It is wrong to suggest that my mother and other relatives tried to make the accused, namely, Sunny understand but the accused kept on harassing my sister and he had illicit affair with a lady, residing in his gali, due to which the accused Sunny told us many times that he would leave my sister, namely, Rohini and re-marry with the said lady. (Confronted with portion X2 (0 X3 of statement Ex.PW17/A where it is so recorded.) It is wrong to suggest that my sister informed us many times that the accused Sunny used to ask her (o leave the house otherwise he would kill her. (Confronted with portion X4 to X5 of statement Ex.PW17/A where it is so recorded.) It is wrong to suggest that on 20.09.2020, my sister Rohini came to our house and informed that the accused. namely. Sunny was harassing her and threatening to kill her and also not giving expenses to her and that she would not go to Sunny. (Confronted with portion X6 to X7 of statement Ex.PW17/A where it is so recorded.) It is wrong to suggest that on 22.09.2020, the accused Sunny came to our house in drunken condition and told my mother to send Rohini with him by stating that “bus ek baar bhej do, theek se rakhuga, kharcha bhi dunga” and my sister, namely, Rohini refused to go with Sunny by stating that “yeh mujhe maar dega”. However, I and my mother pacified Rohini and sent her with the accused, namely. Sunny. (Confronted with portion X8 to X9 of statement Ex.PW17/A where it is so recorded.) It is wrong to suggest that on 24.09.2020 at about 06.30 am., I had gone to Gali No. 10 to bring my e-rickshaw and I saw that family members of accused, namely, Sunny were gathered and the accused Sunny and his brother Arun were also there and when I asked Arun about the matter he told me to go away and I left the place. (Confronted with portion X10 to X 11 of statement Ex.PW17/A where it is so recorded.) I do not know whether the accused, namely, Sunny and his family member were present in gali when I went to their house. The door of room of my sister, namely, Rohini was closed but not bolted. | did not notice whether there was any mark on the neck of my sister, namely Rohini. It is wrong to suggest that I saw the accused and his family members in gali outside the house and the door of room of my sister, namely, Rohini was bolted from outside and there was mark on the neck of my sister..”

6. Mr. Srivastava, on the other hand, submits as follows:
 - a. The body of the deceased was already identified as a dead body when the Mobile Crime Team reached the site.



- b. The accused was the only person residing alongwith his wife, on the first floor of the residence from where the body of the deceased was recovered.
 - c. The post-mortem report shows that the body of the deceased bore ligature marks on the neck and other injuries, and the cause of death was specified as asphyxia due to strangulation.
 - d. The Forensic Science Laboratory report reveals the presence of blood on the clothes of the deceased.
7. On the basis of the aforesaid material, I am of the view that it is appropriate to release the petitioner on bail in the present case for the following reasons:
- a. The Nominal Roll shows that the petitioner has been in custody for 5 years, 1 month and 16 days as on 10.11.2025. He has, thus, already undergone custody of approximately 5 years and 3 months in connection with the offence. His jail conduct is also stated to have been satisfactory.
 - b. Although the material placed on record by the prosecution may *prima facie* support the case that the death of the deceased was an unnatural death, the basis of the prosecution's case linking the accused to the crime was the statement of the brother of the deceased. He has thereafter given evidence as PW-17, in which, even according to the prosecution, he resiled from the previous statement.
 - c. The mother of the deceased has also given evidence as PW-1, in which also the same position is found.
 - d. Both the mother and brother of the deceased have thus stated that



the deceased was living a normal married life with the accused and have not supported the allegations against him. While witnesses turning hostile is not, in every case, determinative of the accused's entitlement to bail, it appears, *prima facie*, that these were important prosecution witnesses.

e. I am informed that 29 prosecution witnesses have been examined. Mr. Chowdhary states that 4 witnesses, including the Investigating Officer(s) ["IO"], remain to be examined. The trial will, therefore, still take some time to conclude.

f. The status report of the prosecution does not show any involvement of the petitioner in any other offence.

8. For the aforesaid reasons, the petitioner is admitted to bail in connection with FIR No. 240/2020 dated 24.09.2020, registered at P.S. Paharganj, for offences punishable under Section 302 of the IPC, subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount, subject to the satisfaction of the Sessions Court/Duty M.M., further subject the following conditions:

A. The petitioner shall not leave the Delhi National Capital Region without prior permission of the Sessions Court.

B. The petitioner shall provide permanent address to the Sessions Court, as also the address where he is residing during the pendency of the case. The petitioner shall intimate the IO, and file an affidavit before the Sessions Court, regarding any change in residential address.

C. The petitioner shall appear before the Sessions Court as and when the matter is taken up for hearing.



- D. The petitioner shall provide his mobile number to the concerned Investigating Officer/Station House Officer, which shall be kept in a working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial.
- E. The petitioner shall not commit any offence during the period of his release.
- F. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever.
9. The bail application is disposed of in terms of the above.
10. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application and shall not influence the trial proceedings, nor shall they be construed as an expression of opinion on the merits of the case.
11. Copy of the order be communicated to the Sessions Court and the concerned Jail Superintendent for information and necessary compliance.

PRATEEK JALAN, J

JANUARY 16, 2026
SS/JM/