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

+ **BAIL APPLN. 2909/2025**

SURAJ KUMAR MOURYA

.....Petitioner

Through: **Ms. Rishina Parashar, Advocate.**

versus

STATE (GOVT OF NCT), DELHI

.....Respondent

Through: **Mr. Yudhvir Singh Chauhan, APP
with Mr. Sunil Arya, Advocate
Insp Umesh Rana, SI Ashok Singh.
Ms. Smriti Sinha, Advocate for
Renu and Raj Kali.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.02.2026

1. The applicant seeks regular bail in connection with FIR No. 1045/2020 dated 04.11.2020 registered at Police Station Nihal Vihar for offences punishable under Section 302 and 201 of the Indian Penal Code, 1860 ["IPC"].

2. The facts, as narrated in the status report dated 16.02.2026 filed by Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor, are as follows:

- a) On 04.11.2020 a PCR call was received at PS Nihal Vihar, by which a lady caller informed that a person had taken her 15-year-old brother with him, and had thrown a man somewhere, whose condition – whether unconscious or dead – was not known, and police assistance was required.



- b) Upon receipt of the said information, the Investigating Officer alongwith police staff reached the stated address, where one Ms. Renu was found present, alongwith the applicant herein and other persons. Ms. Renu stated that the applicant had come to her house and borrowed a scooty on the pretext that he had to shift a patient from Bharat Hospital [where he works as a helper/compounder], to Chander Vihar, Delhi. On his request, she asked her younger brother – one Yogender (then minor), to accompany him. Later, Yogender returned home and informed her that the applicant had dumped the patient near DDA Park (near a drain) and that the patient was in an unconscious state. Finding the matter suspicious, she informed the police.
- c) It is further stated that the Investigating Officer thereafter took the applicant, and at the applicant's instance, reached a location situated between DDA Park and Ganda Nala, where one person was found lying unconscious, and was later found to be dead. The crime team was called to the spot and, after inspection, certain exhibits were collected and seized.
- d) The deceased was identified as one Jitender. During inspection, some marks were found on the right and left side of the neck of the deceased. The body was thereafter preserved in the mortuary, and post-mortem examination was conducted at Sanjay Gandhi Hospital, Mangolpuri, Delhi. As per the post-mortem report, the cause of death was opined to be "*asphyxia as a result of manual strangulation.*"
- e) During the course of investigation, public witnesses, including the



last seen witness Niranjana @ Ranjan, who was working as an accountant at Bharat Hospital and residing there, was examined.

- f) During interrogation, the applicant admitted his involvement and disclosed that he had a sexual relationship with the co-accused – Shobha, who is the sister-in-law of the deceased, and that the deceased had threatened the applicant in that regard. He further disclosed that he conspired with Shobha and his relative, Luvlesh @ Pawan. It is stated that he called Luvlesh @ Pawan to Delhi and promised him Rs.30,000/-, later increasing the amount to Rs.70,000/-, to participate in the conspiracy.
- g) It is further stated that on the evening of 02.11.2020, Luvlesh @ Pawan took the deceased to Bharat Hospital, where the applicant was working, on some pretext. Thereafter, the applicant offered whisky to the deceased and Luvlesh @ Pawan, which they consumed on the roof of the hospital. After the deceased became intoxicated, he was shifted to a first-floor cabin, where the applicant administered Voveran and Ranitidine injections in his veins. It is stated that the applicant was aware that administering the said injections to a person in an intoxicated condition could prove fatal.
- h) The deceased, however, woke up the following morning feeling well. On 03.11.2020, from approximately 9-10 AM to 6 PM, Luvlesh @ Pawan continued consuming alcohol with the deceased in the hospital. At about 6:30 PM, the applicant again administered Voveran and Ranitidine injections. At about 8:30 PM, upon finding that the deceased was still breathing, the applicant strangled him



to death for about 10-15 minutes in the hospital cabin.

- i) It is further stated that thereafter, the applicant and Luvlesh @ Pawan conspired to dispose of the body. With the help of acquaintances, they attempted to move the body but ultimately abandoned it near the said drain.
- j) The applicant was arrested on 05.11.2020 alongwith Luvlesh @ Pawan, and the body of the deceased was recovered at this instance.
- k) During remand of the applicant and Luvlesh @ Pawan in police custody, whisky bottles and injections were recovered from Bharat Hospital at their instance. The scene of crime was also inspected by the FSL team.
- l) During further investigation, the scooty allegedly used to dump the body of the deceased and a bedsheet were taken into police possession. Thereafter, the accused persons were remanded to judicial custody and the exhibits were deposited in FSL for expert opinion.
- m) During further investigation, the Call Detail Records [“CDRs”] of the mobile numbers of the applicant and Shobha were examined, and it was found that they were in regular contact during the relevant period of the incident. Statements of Raju Alla, Luvkush (room partner of the deceased), and the sister of the deceased were recorded, which, as per the status report, indicated the involvement of Shobha in the conspiracy. She was interrogated, disclosed her involvement, and was arrested under Sections 302/120B IPC.
- n) The chargesheet was filed before the Trial Court on 03.02.2021,



under which charges under Section 34 IPC and 120-B were added. An interim bail application filed by the applicant herein was dismissed by the Sessions Court on 23.07.2021. As per the present status, the matter is at the stage of Prosecution Evidence; out of 33 witnesses, 19 witnesses have been examined.

3. Ms. Rishina Parashar, learned counsel for the applicant, has advanced the following submissions in support of the bail application:

- a) The testimony of Ms. Renu [PW-1] is unreliable, inasmuch as she is a hearsay witness; her deposition is not based on direct knowledge, but on what she allegedly heard from her brother.
- b) It is further argued that although the prosecution alleges administration of injections to the deceased, the post-mortem report does not record any finding regarding insertion of syringes. It is her submission that, as per the post-mortem report, the post-mortem examination is stated to have been conducted approximately 16-20 hours after the time of the death, and therefore, insertion marks should have been reported.
- c) Ms. Parashar also submits that the FSL report detects only ethyl alcohol in the blood sample of the deceased and there were no traces of Voveran or Ranitidine.
- d) The DNA profile generated from the blood-stained gauze cloth of the deceased, polythene, nail clippings of the deceased and other exhibits seized from the incident do not match the blood sample of the applicant.
- e) The applicant has been in judicial custody for a period of approximately 5 years and 3 months. Although 19 out of 33



prosecution witnesses stand examined, the trial will take substantial amount of time. She further states that the material public witness stand examined.

- f) Co-accused Shobha has been granted bail by this Court *vide* order dated 05.01.2024 in BAIL APPLN. 3080/3023, and co-accused Luvlesh @ Pawan has been enlarged on bail by the Supreme Court on 17.11.2025 in SLP (Crl.) No. 16290/2025. The applicant is entitled to bail, on parity with the co-accused.

4. The application was opposed by Mr. Chauhan and Ms. Smriti Sinha, learned Legal Aid Counsel, who advanced submissions on behalf of the complainant, Ms. Renu and also represented the sister of the deceased, Ms. Raj Kali. They submitted as follows:

- a) The allegations against the applicant are grave and specific, and are supported by medical evidence, as well as circumstantial evidence, forming a *prima facie* coherent chain.
- b) It is the prosecution's case, that the act of strangulation is specifically attributed to the present applicant.
- c) During the course of investigation, recovery of other incriminating articles was effected, including whisky bottles and injections, which, according to the prosecution, constitute material circumstances, forming part of the evidentiary chain sought to be established against the applicant.
- d) The post-mortem report issued by Department of Forensic Medicine & Toxicology, Sanjay Gandhi Memorial Hospital, Mangolpuri, (Annexure P-6 to the present application), opines the cause of death as "*asphyxia as a result of manual strangulation*".



- e) The body of the deceased was recovered at the instance of the applicant. According to the prosecution, the applicant had transported the body on a scooty and abandoned it near a drain. This is supported by Yogender's testimony, who is an eye-witness to the incident.
- f) Ms. Renu has reiterated the same narrative as in the FIR, in her statement under Section 161 of Code of Criminal Procedure, 1973 ["CrPC"] and has been examined before the Trial Court as PW-1. Yogender deposed as PW-2, corroborating the testimony of PW-1, i.e. Ms. Renu, and the account he had given to Ms. Renu.
- g) With regard to the argument of parity, learned counsel contend that the role attributed to the co-accused cannot be equated with that of the present applicant. He submits that while the co-accused is alleged to have facilitated the intoxication of the deceased and assisted in the disposal of the body, the administration of injections and, more significantly, the act of manual strangulation – stated to be the direct cause of death – are specifically attributed to the present applicant. It is thus urged that the role ascribed to the applicant is principal in nature and qualitatively distinct from that of the co-accused, who have been granted bail.
5. I have heard learned counsel for the parties and perused the material placed on record. In the facts and circumstances of the present case, despite the period spent in custody, I do not deem it to be a fit case for grant of bail to the applicant, for the following reasons:
- a) The allegations against the applicant are, undoubtedly, grave. He is alleged to have administered Voveran and Ranitidine injections to



the deceased, and to have carried out the act of manual strangulation, which, according to the post-mortem report, is stated to be the cause of death. While it was argued that there are evidentiary gaps in establishing the applicant's involvement in the offence, the Court is not called upon to conduct a mini-trial at the stage of adjudicating a bail application. Suffice it to note that the disclosure statement relied upon by the prosecution is, *prima facie*, corroborated by the recovery of the injections at the instance of the applicant.

- b) The heinousness of the case is further supported by the allegations regarding the transport and dumping of the deceased's body by the applicant. These allegations are, *prima facie*, supported by direct eyewitness evidence as well as the recovery of the body at the instance of the applicant.
 - c) In view of the direct and specific role attributed to the applicant as aforesaid, the argument of parity with the co-accused does not appeal to me. Co-accused Luvlesh @ Pawan is alleged to have facilitated the intoxication of the deceased and assisted in the disposal of the body. In contrast, the act of manual strangulation, which has been medically identified as the proximate cause of death, is attributed to the present applicant. The role of co-accused Shobha is alleged to be that of a conspirator, but she is not alleged to have been present at the scene of the crime.
6. In view of the foregoing discussion, I am not persuaded to grant regular bail to the applicant. The application is accordingly dismissed.
7. Needless to say, the observations in this order are only for the



purpose of deciding the present bail application, and are not intended to prejudice the case for any other purpose.

PRATEEK JALAN, J

FEBRUARY 26, 2026
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