



\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4108/2025 & CRL.M.A. 31985/2025**

KRISHNA

.....Petitioner

Through: Ms. Manveer Dhaiyal and Ms. Fariya
Asif, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP with Ms. Divya
Bakshi, Advocate and Inspector Manoj
Kumar, PS-Sultan Puri.
Mr. Sarthak Karol, Standing Counsel
(DHCLSC) with Ms. Neelakshi Bhadauria
and Ms. Shashank Sharma, Advocates for
complainant.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

%

07.04.2026

1. At the outset, learned counsel for the applicant submits that she does not wish to file written synopsis in compliance of the last order and is ready to argue the present bail application. As such, the present bail application is taken up for final disposal.
2. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) [erstwhile *Section 439* of the Code of Criminal Procedure, 1973], the applicant seeks grant of regular bail in proceedings arising out of FIR No.1019/2022 dated 26.12.2022 registered at PS.: Sultanpuri, Delhi for offences punishable under *Sections 302/34* of the Indian Penal Code, 1860 (**IPC**) and *Sections 25/27* of the Arms Act, 1959 (**Arms Act**).
3. As per FIR, on 25.12.2022 at about 10:00 PM, the complainant



along with her brother (*deceased hereinafter*) went to a nearby shop to purchase certain household items. While the complainant went inside the shop, the deceased waited on the street. After about *ten (10)* minutes, the complainant returned and upon hearing loud noises around her house, rushed to the spot to witness that her neighbour, Dharam @ Mogli was holding the deceased and the present applicant was instigating the assault by saying “*beat him beat him, today end his chapter*” as also the co-accused, Raj Singh was inflicting a knife injury. Upon the complainant raising an alarm, the accused persons fled the scene of crime, and the deceased was immediately taken to a Hospital where he succumbed to his injuries during treatment. This culminated in registration of the present FIR.

4. Ms. Manveer Dhaiyal, learned counsel for the applicant submits that the applicant is a lady with clean antecedents and has been falsely implicated in the present case, as no incriminating material has been recovered from her possession and/ or at her instance since there is neither any CCTV footage nor CDR to even remotely suggest her presence at the alleged time and place of the incident.

5. Be that as it may, learned counsel submits that at best the only role attributed to her is that of alleged verbal instigation, which remains unsubstantiated and unsupported by any independent and/ or corroborative evidence, thus in the absence of any substantive direct or circumstantial material to suggest prior concert between the co-accused, the prosecution’s case is significantly weakened [*Durgesh @ Durga vs. State of NCT of Delhi:2025:DHC:7944*].

6. Lastly, learned counsel submit that the applicant has been in judicial



custody since 26.12.2022 i.e. for more than *three (3) years and three (3) months* as on date and considering the chargesheet in the present matter has been filed and out of a total of 25 witnesses only 8 have been examined till date, conclusion of trial is likely to take some time, therefore, the applicant be released on bail as her prolonged incarceration amounts to violation of *Article 21* of the Constitution of India.

7. *Per contra*, Mr. Satish Kumar learned APP for the State has relied upon the Status Report. He submits that the allegations being serious and grave in nature for offences under *Sections 302/34* of the IPC and *Sections 25/27* of the Arms Act as also the fact that she was present at the alleged time and place of the incident and since there exist firm/ clear allegations of her active role in instigating the co-accused (*who are her nephews*) in the commission of the said offence, applicant does not deserve to be released on bail. Moreover, the FSL Report by way of DNA fingerprinting has confirmed that the blood found on clothes of the deceased, jacket of the co-accused-Dharam Singh, sweatshirt and the weapon recovered at the instance of the co-accused-Raj Singh are all from the same source, thereby supporting the case of the prosecution.

8. Mr. Sarthak Karol, learned standing counsel of DHCLSC appearing for the complainant/ respondent no.2, handing over a copy of the written synopsis (*which is taken on record*) has supported the aforesaid arguments addressed by learned APP. He submits that the fatal act was not a spontaneous occurrence but was carried out pursuant to the active instigation of the present applicant, as evident from consistent testimonies of the complainant. Also, since the present applicant resides in the same locality as the complainant and her family, there exist an apprehension



that, if released on bail, the applicant may attempt to influence the witnesses and tamper with evidence.

9. This Court has heard the learned counsel for the parties as also learned APP for the State and perused the Status Report and the other documents available on record.

10. Considering the active role of instigation attributed to the applicant, the nature and gravity of the accusations levelled against the applicant, the severity of the punishment prescribed in the event of conviction coupled with the fact that the case of the prosecution is supported by the FSL Report by way of DNA fingerprinting, as also the fact that the applicant resides in the same geographical proximity as that of the complainant and her family members, there exists a serious apprehension that, if released on bail, the applicant may attempt to influence the witnesses and tamper with evidence. Therefore, taking note of the overall facts and circumstances enumerated hereinabove, grant of regular bail to the applicant at this stage is uncalled for.

11. Accordingly, the present application seeking grant of regular bail in proceedings arising from FIR No.1019/2022 dated 26.12.2022 registered at PS.: Sultanpuri, Delhi for offences punishable under *Sections 302/34* of the IPC and *Sections 25/27* of the Arms Act is dismissed.

12. Needless to say, since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they shall have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J

APRIL 7, 2026/NA/DA