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

CNR No. DLHC010426872026

+ **BAIL APPLN. 3774/2026**

MS. FAIZAL & ANR.

.....Petitioners

Through: Mr. Parveen Dabas (*through videoconferencing*), Mr. Jwala Singh, Mr. Rahul Soni, Mr. Harshit Dabas, Mr. Vinayak Tripathi, Mr. Abhgyan Dahiya and Mr. Rohit Mishra, Advocates.

versus

STATE (GNCT) OF DELHI & ANR.

.....Respondents

Through: Mr. Amit Ahlawat, APP for State with Inspector Rajender and Inspector/SHO Rajesh Kumar.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **09.09.2026**

CRL.M.A. 27963/2026 (exemption)

1. Allowed, subject to just exception.

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2. The accused/applicant seeks regular bail in case FIR No. 762/2020 of PS Adarsh Nagar for offence under Section 302/120B/420/468/471/34 IPC.

3. Briefly stated, allegation of the prosecution is that Ms. Faizal, daughter of Ms. Shaheen Naaz killed the deceased, who had an extramarital affair with Faizal. The alleged murder of the deceased was committed by Ms. Faizal with the help of the co-accused Zuber. After the killing, Ms.



Shaheen Naaz and Ms. Faizal packed the dead body in a box and hired a cab to deliver the box at Nizamuddin Railway Station, where Zuber managed to get the dead body transported through train to Gujarat and from there, the dead body was recovered.

4. Learned counsel for accused/applicant submits that the previous bail application was allowed to be withdrawn with liberty to file afresh after testimony of the cab driver and since now the cab driver has been examined by the trial court, this application deserves to be allowed.

5. Learned APP for State accepts notice and strongly opposes the bail application.

6. I have examined the part chief-examination of the cab driver, which has been filed on behalf of the accused/applicant. In his testimony (*pdf 129*), the cab driver alleged that he has been receiving regular threat calls from mobile phone number 9971409160. On being called upon to disclose as to whether that phone call has been tracked down, learned APP for State asked Inspector Rajender, but he expressed inability to explain, so SHO/Inspector Rajesh Kumar also was asked, but he stated that since the cab driver did not lodge a formal police complaint, they did not act on it. This is not acceptable, to say the least. The testimony of the cab driver was recorded on 16.04.2024. Had the IO been diligently involved in the trial, on his own he should have inquired into this allegation and should have taken action. It is such lackadaisical attitude of the police machinery that public witnesses so frequently turn hostile to prosecution.

7. Copy of this order be sent to the concerned DCP with directions to enquire into the above allegation of the cab driver and if considered appropriate, register a case and investigate the same.



8. Status report, including the above aspect be filed at least one week before the next date. The status report shall be personally signed by the concerned DCP.
9. Relist on 19.11.2026 in Advance List.

GIRISH KATHPALIA, J

SEPTEMBER 9, 2026/dr