



2026:DHC:9211



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

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Date of Decision: 15.10.2026# **CNR No. DLHC010370722026**+ **BAIL APPLN. 3281/2026****SACHIN**

.....Petitioner

Through: Mr. Mohd. Suza Faisal and Mr.
Mohd. Kashif, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State with
Inspector Chetan, PS Janakpuri and
SI Pradeep Kumar, PS Mandawali.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 718/2022 of PS Mandawali for offence under Section 302 IPC.

2. This is a classic case of completely botched up investigation by the IO/Inspector Chetan of PS Janakpuri. Even in the case of alleged murder, which was brought to the notice of the local police on 04.12.2022 by way of GD No. 69A, the FIR was registered so belatedly on 07.12.2022 at 08:15 pm. To add to it, within almost three hours, by midnight intervening

*BAIL APPLN. 3281/2026**Page 1 of 5 pages*

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2026:DHC:9211



07.12.2022 and 08.12.2022, the entire investigation was completed. Further, it is alleged by learned counsel for accused/applicant that even after concluding the investigation till midnight, on the very next morning the IO went to Mathura and arrested the present accused/applicant. On this aspect, IO submits that he arrested the accused/applicant not from Mathura but from Mandawali. But on being called upon to show the arrest memo, the IO submits that he has not brought the file. Even SI Pradeep Kumar from PS Mandawali, who is accompanying the IO has not brought file. This reflects the scant respect that the local police has shown in this case concerning liberty of an individual.

3. Be that as it may, I have heard learned counsel for the accused/applicant and learned APP for State assisted by the IO.

4. Broadly speaking, the allegation against the present accused/applicant is that he got involved in an illicit affair with wife of the deceased and on the fateful night, the co-accused Hema sent her sons Nishant and Rahul out of home, after which the present accused/applicant and the co-accused administered alcohol to the deceased and thereafter killed him with fists and kicks. After that, the deceased was taken to hospital by Hema, where he was declared dead and the hospital informed the local police at about 11:00 pm on 04.12.2022 by way of GD No. 69A. It is alleged by prosecution that Hema had also arranged a rented accommodation for the present accused/applicant where they could meet, but the accused/applicant retained

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that accommodation for about 15-20 days.

5. Against the above backdrop, learned counsel for accused/applicant submits that he is in jail since 08.12.2022 despite there being no substantial evidence against him. It is submitted that apart from the alleged confessions of the accused persons recorded when they were in police custody, there is no material at all against him. Learned counsel for accused/applicant has also demonstrated the manner in which the entire investigation was carried out during the period from 08:15 pm to midnight on 07.12.2022, that too in an inordinately delayed FIR.

6. Learned APP for State assisted by the IO submits that apart from the said confessions recorded in custody, there is also evidence of last seen, in the sense that the deceased was last seen in the company of the accused/applicant by Nishant. Learned APP for State also submits that the ligature used in killing the deceased was forensically examined and traces of DNA of the deceased were found in the same. It is also submitted that there is a substantial evidence in the form of telephonic connectivity between the present accused/applicant and co-accused Hema.

7. As mentioned above, there is not even a whisper of explanation as to why immediately upon receipt of GD No. 69A at 11:00 am on 04.12.2022, FIR was not registered despite the fact that the said GD information specifically informed the police that the dead body was being shifted to

BAIL APPLN. 3281/2026

Page 3 of 5 pages

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mortuary, which clearly means that according to the hospital it was a case of unnatural death. The FIR was registered much later at about 08:15 pm on 07.12.2022 and the entire investigation was wound up by 12:00 midnight of 07.12.2022, as described above.

8. Coming to the alleged evidence of last seen circumstance, it would be interesting to note that Nishant, who is the witness of alleged last seen, did not know the accused/applicant, otherwise he would have described the accused/applicant by name. Despite that, no TIP was conducted and it is only for the first time that before the trial court during his testimony Nishant PW-2 pointed towards the present accused/applicant as the person who came out of their home on the night of the alleged incident. All this is mentioned at page 5 of the status report filed on behalf of State.

9. So far as the ligature evidence is concerned, the FSL report of traces of DNA of the deceased on the same at the most establishes use of the ligature, but it does not connect the same with the present accused/applicant.

10. The accused/applicant is in custody since 08.12.2022 on the basis of such material. All the public witnesses stand examined before the trial court. Out of 25 prosecution witnesses, only 10 have been examined till date.

11. Of course, I must add a cautious rider that the above analysis has been carried out for the limited purposes of grant of bail. The learned trial court

BAIL APPLN. 3281/2026

Page 4 of 5 pages

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2026:DHC:9211



shall take an independent view at the final stage on the basis of evidence brought on record.

12. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant.

13. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the learned Trial Court/Duty Magistrate.

14. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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**GIRISH KATHPALIA
(JUDGE)**

OCTOBER 15, 2026/dr