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

CNR No. DLHC010331092026

+ **BAIL APPLN. 2921/2026**

SUNITA

.....Petitioner

Through: Mr. Lewish Edward, Mr. Vignesh P., Mr. Ayush Khanna & Mr. Karan Tomar, Mr. Vignesh P. Mr. Sameer Fayis, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP with Mr. Narendra Kumar, Advocate for State.
Insp. Ajay Katewa, PS KNK Marg
Insp. O.P. Vishnoi, Main IO

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **01.09.2026**

1. By way of the present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the applicant seeks regular bail in connection with FIR No. 438/2023 dated 05.10.2023, registered under Sections 302/201 of the Indian Penal Code, 1860 ["IPC"], at Police Station K.N. Katju Marg, Rohini, Delhi.
2. I have heard Mr. Lewish Edward, learned counsel for the applicant, and Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor for the State.



3. By order dated 27.07.2026, the Investigating Officer was directed to intimate the family of the deceased regarding the present proceedings. Mr. Chauhan confirms that, in compliance with the said order, notice was served upon the wife of the deceased. Despite such intimation, however, there is no appearance on behalf of the family of the deceased when the matter is taken up for hearing. A copy of the compliance report dated 30.07.2026 has been handed up in Court and is taken on record.

4. Mr. Chauhan has placed on record a Status Report dated 03.08.2026. The prosecution case, as emerging from the material placed on record, is as follows:

- a) On 05.10.2023, at about 6:08 PM, a PCR call was received regarding a dead body lying at the water treatment plant at Haiderpur. Upon reaching the spot, the police found the decomposed body of an unidentified male lying in the canal, with his hands and legs tied with pieces of cloth and material wrapped around his neck.
- b) During the course of investigation, the deceased was identified as Amit, a resident of Village Khadlana, District Saharanpur, Uttar Pradesh.
- c) The prosecution relies upon the statement of Vikas, nephew of the deceased, who stated that his younger brother Vishu had confessed before him that he, along with Mohit, CCL "G" and Sunil, had murdered Amit and thereafter disposed of his body in the Yamuna Canal. Vikas's statements were subsequently recorded under Sections 161 and 164 of the Code of Criminal Procedure, 1973 ["CrPC"].



- d) The alleged motive for the offence is stated to have arisen from a dispute between two brothers, the deceased and Sunil, concerning possession of the house situated in their village. It is alleged that the deceased was residing in the said house, while Sunil, who was residing in Panipat with his wife, Sunita [the applicant herein], and their children, wished to return to the village and reside there. According to the prosecution, Sunil had repeatedly asked the deceased to vacate the house; however, he allegedly refused to do so and threatened that he would not permit Sunil to enter the house.
- e) During the course of investigation, Mohit allegedly confessed to his involvement in the offence and disclosed that he was driving tempo bearing registration No. HR-67C-4787, belonging to his uncle Satpal, and was residing in Panipat with Sunil. He further disclosed that Sunil, the applicant, Vishu and CCL “G” had conspired to murder Amit and had thereafter involved Mohit and Chand Sachdeva in the execution of the said plan.
- f) It is alleged that, on 01.10.2023, the accused persons assembled at Sunil’s residence, where the murder was planned, and thereafter travelled in the said tempo to Village Khadlana. Their movement is stated to be corroborated by CCTV footage capturing the tempo being refuelled with CNG *en route*.
- g) Upon reaching Village Khadlana, the accused persons allegedly took Amit to the vicinity of the Western Yamuna Canal. When Amit refused to hand over possession of the house, Vishu and CCL “G” allegedly restrained his hands, while Sunil held his legs. Mohit is alleged to have thereafter wrapped a black towel around Amit’s



neck and, along with Chand Sachdeva, strangled him, resulting in his death by asphyxia.

- h) Thereafter, CCL “G” allegedly tied Amit’s hands with a white towel, while Mohit tied his legs with his black shirt. The body was subsequently allegedly thrown into the canal by Mohit and Vishu.
- i) The prosecution further relies upon CCTV footage, which allegedly corroborates the presence and movement of Mohit along with the co-accused. Reliance is also placed upon the recovery of Mohit’s mobile phone bearing SIM No. 9306571844, the location data of which is stated to corroborate his movement from Panipat to Village Khadlana and back.
- j) The present applicant was arrested on 15.12.2023.
- k) The charge-sheet has since been filed before the learned Trial Court, whereupon Sections 120-B and 34 of the IPC have also been invoked against the accused. Chand Sachdeva remains absconding, while charges have been framed against the four accused persons, namely, Sunil, the present applicant, Mohit and Vishu.
- l) The trial is presently underway. Out of the 33 prosecution witnesses cited by the prosecution, 6 witnesses have been examined thus far.

5. The Nominal Roll placed on record indicates that, as on 05.08.2026, the applicant had undergone incarceration for a period of 2 years, 7 months and 21 days. She has, as of today, been in custody for over 2 years and 8 months.

6. The applicant had earlier approached this Court by way of BAIL APPLN. 333/2026, which was dismissed as withdrawn with liberty to



approach the learned Sessions Court. Pursuant thereto, the applicant approached the learned Sessions Court, but her bail application came to be dismissed *vide* order dated 13.05.2026.

7. Mr. Edward submits that the applicant has not been named by Vikas in his statement recorded under Section 164 of the CrPC. He further submits that even Sunil, in his disclosure statement recorded under Section 161 of the CrPC on 10.10.2023, did not name the applicant and that her name surfaced for the first time only in his supplementary statement recorded under Section 161 of the CrPC on 11.10.2023. He further draws the attention of the Court to the absence of any CDR material *qua* the applicant, indicating her presence at or around the alleged place of occurrence. He submits that there is, therefore, no independent material connecting her with the commission of the offence. Learned counsel also points out that, unlike the other co-accused, Sunita was arrested nearly two months after their arrest.

8. In these circumstances, Mr. Edward also places reliance upon the proviso to Section 437(1) of the CrPC [corresponding to the proviso to Section 480(1) of the BNSS]. He submits that the applicant, being a woman and the mother of three minor children, is entitled to the benefit of the said proviso and may, therefore, be enlarged on bail notwithstanding the fact that the principal offence alleged against her is punishable under Section 302 of the IPC.

9. *Per contra*, Mr. Chauhan opposes the grant of bail. He submits that the applicant is visible in the CCTV footage pertaining to the incident and that the material collected during investigation connects her with the conspiracy and commission of the offence. He further submits that four



material witnesses are yet to be examined, including Vikas, whose examination has not yet been concluded. He also points out that co-accused Chand Sachdeva remains absconding and is yet to be apprehended.

10. Having heard learned counsel for the parties and perused the material on record, I am of the view that the applicant has made out a case for grant of bail at this stage.

11. The material presently relied upon by the prosecution qua the applicant primarily comprises the CCTV footage from the CNG fuelling station and the supplementary statement of co-accused Sunil recorded under Section 161 of the CrPC on 11.10.2023. The CCTV footage is stated to show the applicant in the company of the co-accused, but prior to picking up the deceased from his village. In the supplementary statement of Sunil, the allegation attributed to the applicant is that she exhorted the others to kill Amit when he refused to vacate the disputed house. However, the applicant was not named by Sunil in his earlier statement recorded on 10.10.2023, and her name does not find mention in the alleged extra-judicial confession made by co-accused Vishu before Vikas. Further, no specific role in the assault, strangulation or disposal of the body of the deceased is *prima facie* attributed to her in the material presently placed before the Court. There is also no CDR material, relied upon by the prosecution, *prima facie* placing the applicant at or around the alleged place of occurrence.

12. Furthermore, at this stage, the fact that the applicant is a woman and the mother of three minor children assumes significance, particularly in view of the proviso to Section 437(1) of the CrPC [corresponding to



the proviso to Section 480(1) of the BNSS], which, *inter alia*, contemplates the concession of bail to a woman. The applicant also has no prior criminal antecedents.

13. For the aforesaid reasons, the applicant is directed to be released on regular bail upon furnishing a personal bond in the sum of Rs. 35,000/- with one surety of the like amount, to the satisfaction of the learned Trial Court/Duty Magistrate, subject to the following conditions:

- a) The applicant shall appear before the learned Trial Court on each and every date of hearing;
- b) The applicant shall furnish her permanent address to the learned Trial Court, as well as the address at which she is residing during the pendency of the present proceedings. In the event of any change in her residential address, she shall intimate the Investigating Officer and file an affidavit to such effect before the learned Trial Court;
- c) The applicant shall furnish her mobile number to the concerned Investigating Officer/Station House Officer, which shall be kept operational at all times. The applicant shall not switch off or change the said mobile number without prior intimation to the Investigating Officer during the pendency of the trial;
- d) The applicant 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 in any manner whatsoever;
- e) The applicant shall not leave the country without the prior permission of the learned Trial Court;



- f) The applicant shall not commit any offence during the period of her release on bail.
4. The bail application, alongwith any pending application, is disposed of, in terms of the above.
5. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.
6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

SEPTEMBER 01, 2026
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