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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 13.10.2025***

+ CRL.A. 941/2024 & CRL.M.(BAIL) 1198/2025

RAJIA @ SABBO

.....Appellant

Through: Mr.Anwesh Madhukar, Adv.
(DHCLSC) with Ms. Prachi Nirwan,
Mr. Ishat Singh Bhati and Mr.Gaurav
Chahal, Advs.

versus

STATE GOVT. OF NCT DELHI

.....Respondent

Through: Mr.Ritesh Kumar Bahri, APP with Mr.
Akhilesh Tiwari, Ms.Divya Yadav and
Mr. Lalit Luthra, Advs. with SI Anil,
PS Seema Puri.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T

CRL.M. (BAIL) 1198/2025

1. The present application has been filed under Section 430 read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, seeking suspension of sentence and consequent release during pendency of the appeal.
2. The case of the prosecution is that on 18.06.2011, a missing report was lodged by the complainant, Naz Mian, the father of the deceased that on 17.06.2011, his son Saleem had left home at about 3:30 p.m. and thereafter did not return and despite extensive search he could not be traced. Thereafter, during inquiries, he learnt from neighbours that his son Saleem (the deceased)



had taken one room on rent in the house of Jamir (co-accused person), which was being used as a godown for storing garments and that Jamir was harbouring suspicion about an illicit relationship between his wife Rajia @ Sabbo (the appellant herein) and the deceased.

3. On the basis of the said complaint, an FIR under Section 364 IPC was registered and on 20.06.2011, acting on secret information, the investigating officer apprehended the appellant and her co-accused person.

4. Pursuant to the disclosure made by the accused, the investigating team was led to a location at Indirapuram, where a plastic bag containing the torso of the deceased was recovered from near the bushes. Thereafter, the accused persons led the police to another place in Shakti Khand, where another plastic bag was recovered, which contained the head, arms, and legs of the deceased. The weapon of offence, i.e., one *Gandasa* and two *Chhuris*, were recovered from the house of one Kallan, at the instance of co-accused Jamir.

5. Both the accused have been convicted for offences punishable under Sections 302, 201, and 120B IPC and have been inter alia, sentenced to rigorous imprisonment for life.

6. Aggrieved thereof, the appellant filed the appeal assailing the Judgment of Conviction and Order on Sentence, along with the present application seeking Suspension of Sentence.

7. Learned Counsel for the Appellant submits that the Appellant is a woman aged about 35 years who has already undergone around eleven years of incarceration following her conviction. She is the mother of three minor children, one of whom is barely two years old and presently with her in the prison, while the other two are under the care of her aged parents, who are 91 and 85 years old and incapable of properly maintaining them, thus, they



remain unattended as the husband of the appellant is also in the Judicial Custody.

8. Learned Counsel submits that there is no direct evidence linking the appellant with the alleged act of murder. The learned Trial Court has erroneously relied upon disclosure statements and recoveries made during police custody, which are inadmissible under Section 25 of the Evidence Act and not corroborated by any independent witness. He further submits that the alleged motive attributed to the Appellant, i.e., an illicit relationship with the deceased, is unsubstantiated and purely speculative, without any corroboration from any witness or material on record. It is settled law that mere motive cannot take the place of proof.

9. Learned Counsel submits that no recovery has been made at the instance of the Appellant, nor was any incriminating article recovered from her possession. The alleged recoveries, if any, were made at the instance of co-accused Jamir. The Appellant has maintained good conduct throughout her incarceration and has never been involved in any prison misconduct. She has deep roots in the community and is not likely to abscond or tamper with evidence. In these circumstances, it is prayed that the sentence be suspended during the pendency of the appeal.

10. Learned APP for the State, vehemently opposing the present application, submits that the offence committed by the Appellant is of an extremely heinous and gruesome nature. The Appellant, in active criminal conspiracy with her husband/co-accused Jamir, lured the deceased to their house and murdered him with a sharp-edged weapon, cut the body into pieces, packed the remains in plastic bags, and disposed them of at Indirapuram and Shakti Khand (U.P.).



11. We have heard the learned counsel for the appellant as also the learned APP and perused the record.
12. This Court is conscious of the fact that the appeal is of the year 2025 and is not likely to be heard in near future.
13. The perusal of the Nominal Roll reveals that the appellant has undergone incarceration for more than ten years and nine months and 13 days and her conduct in jail has been satisfactory, where she is presently working as a Creche Sahayak, earning wages and sending financial assistance to his family.
14. As per the case set up by the prosecution, the alleged motive for the murder was an illicit relationship between the deceased and the appellant herein. However, fact remains that if there was any such illicit relationship, it is not comprehensible as to why appellant herein would kill him. Undoubtedly, her husband, a co-accused herein, may have grudge or vendetta against the deceased, but the motive attributed to the appellant does not appear to be forceful enough. The recovery in question was, though, made at the instance of appellant and the co-accused, it cannot be said that there was any specific recovery, solely, at the instance of the appellant herein. Moreover, there is no eyewitness of the incident of murder, and the case rests, solely, on circumstantial evidence.
15. We are also concerned about the fact that the appellant is a lady and that her one child, who is barely two years old, is with her in the prison, and her aged parents may not be in best position to take their adequate care.
16. Keeping in mind the above-noted aspects and also the incarceration period of the appellant and the fact that there is no likelihood of his appeal being heard in near future, the sentence awarded to the appellant is hereby



suspended on his furnishing personal bond in a sum of Rs. 25,000/-, with one surety in like amount, subject to the satisfaction of the learned Trial Court and further subject to the following conditions:

- i. Appellant shall not leave country without prior permission of the learned Trial Court and shall surrender her passport, if any, before the learned Trial Court. In case, she does not possess any passport, she shall state so before the learned Trial Court, by way of affidavit.
 - ii. Appellant shall provide her residential address, contact details and mobile numbers to the learned Trial Court. In case of any change in their residential address and other contact details, the appellant shall immediately intimate the learned Trial Court by way of an affidavit as well as to the concerned SHO/IO, so that as and when the appeal is taken up for hearing, she shall be duly intimated. Such contact details shall also be, in the same manner, furnished with the Registry of this Court and would form part of Appeal-Record.
 - iii. Appellant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the family member of the deceased, directly or indirectly.
17. It is, however, made clear that no observation made herein shall tantamount to be an expression on the merits of the case and these have been made for consideration of the present application, seeking suspension of sentence.
18. The present application stands disposed of in aforesaid terms.



2025:DHC:9093-DB



19. A copy of this Order be sent to learned Trial Court and the Jail Superintendent for information and necessary compliance.

**VIVEK CHAUDHARY
(JUDGE)**

**MANOJ JAIN
(JUDGE)**

OCTOBER 13, 2025
neelam/KP