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

% ***Date of Decision: 17th November, 2026***

\# **CNR No. DLHC010383102026**

\+ BAIL APPLN. 3385/2026

NAVEEN KHATRI .....Petitioner

Through: Mr. Sunil Upadhyay, Adv.

versus

STATE NCT OF DELHI .....Respondent

Through: Ms. Anushkaa Arora, Standing Counsel, DHCLSC with Ms. Shikha Singh, Adv. for LRs of deceased.
Mr. Manoj Pant, APP for the State.
Inspector Devi Lal, PS Model Town. (M: 9868344832)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral):*

This matter is taken up today as 16th November, 2026, was declared as a Holiday on account of "Chhath Puja".

1. The present application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), corresponding to Section 439 of the Code of Criminal Procedure, 1973 ("CrPC"), seeking regular bail in connection with the First Information Report ("FIR") being *FIR No. 79/2016* dated 06th February, 2016, registered at Police Station ("PS") Model Town, North West District, Delhi, under Sections 365/302/201/202/212 of the Indian Penal Code, 1860 ("IPC").

2. The proceedings in respect of the present FIR are pending before the

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Additional Sessions Judge-04, North District, Rohini Courts, Delhi, in *SC No. 59185/2016*, and are currently at the stage of prosecution evidence.

3. The petitioner had previously filed four applications for regular bail before the Trial Court, all of which were dismissed, with the most recent application having been dismissed on 08th August, 2026.

4. The petitioner had also filed two applications for regular bail before this Court. Both were dismissed *vide* order dated 12th September, 2023, in *BAIL APPLN. 2266/2023*, and order dated 09th July, 2024, in *BAIL APPLN. 2352/2024*.

5. The case of the prosecution, as culled out from the material on record, including the Status Report dated 18th September, 2026, is as follows:

5.1. On 02nd February, 2016, a mother reported that her 21-year-old daughter, i.e., the victim, was missing from her house *vide DD No. 34A*. Despite efforts made by the police, the police could not trace the victim.

5.2. On 06th February, 2016, the father of the victim visited PS Model Town and stated that he suspected that the petitioner, who lived in the same locality and was a friend of the victim, had abducted his daughter. The present FIR was thereafter registered at the instance of the father.

5.3. During the course of investigation, the petitioner was apprehended on 06th February, 2016, itself. He disclosed that he had been in a relationship with the victim for the last two years.

5.4. Upon sustained interrogation, the petitioner disclosed that on 02nd February, 2016, a heated altercation took place between him and the victim over the marriage of the petitioner, which had been fixed for 05th February, 2016.

5.5. During the aforesaid altercation, the petitioner lost his temper and

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murdered the victim in his car by strangulation. He then placed the dead body of the victim in the boot of his car and threw out the bags of the victim.

5.6. Subsequently, the petitioner dumped the dead body of the victim in the ventilation shaft of his house.

5.7. On 07th February, 2016, the dead body of the victim was recovered at the instance of the petitioner, in the presence of the mobile crime team. The petitioner was subsequently arrested.

5.8. As per the Post Mortem Report, it was opined that the cause of death of the victim was "*asphyxia secondary to cumulative effect of smothering, gagging and constriction of neck structures with a ligature material (ligature strangulation)*".

5.9. During the further course of investigation on 07th February, 2016, the car used in commission of the offence was recovered at the instance of the petitioner. A plastic *katta*/bag having blood stains and the clothes of the petitioner worn at the time of the commission of the offence were also recovered from the house of the petitioner.

5.10. The petitioner further disclosed that he had told his brother, father and maternal uncle about the blood stains in his vehicle. They told him to get the car washed and to destroy all the evidence. His maternal uncle and another person then got the car washed twice, on 05th February, 2016, and 07th February, 2016.

5.11. The Forensic Science Laboratory ("FSL") Report found that the blood sample of the victim matched the DNA profile generated from the blood stains and other exhibits collected from the crime scene.

5.12. After completion of the investigation, a Chargesheet was filed by the concerned Investigating Officer ("IO") against the petitioner and four other

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co-accused persons.

5.13. *Vide* order dated 24th December, 2016, the Trial Court discharged the four other co-accused persons, and only framed charges against the petitioner for the offences under Sections 302/201 of the IPC.

6. The submissions made on behalf of the petitioner in favour of grant of regular bail are provided as under:

6.1 The petitioner is from a very poor strata of society and his family members consist of his elderly parents. There is no other case pending against the applicant except the present one.

6.2 The petitioner has exhibited good conduct in jail, and the concerned Jail Authorities have issued two Letters of Appreciation to him, on 26th January, 2020, and 15th August, 2020.

6.3 There is no possibility of the petitioner tampering with the prosecution evidence in any manner whatsoever.

6.4 The Trial Court, *vide* order dated 08th August, 2026, refused to grant the petitioner regular bail on the ground of the gravity of the offence, without considering that the petitioner had already spent more than 08 years in judicial custody, and that all the material witnesses had been examined.

6.5 There are 05 witnesses that are yet to be examined. Accordingly, the trial will take a long time to conclude.

6.6 The Trial Court also did not consider that the petitioner has previously been granted interim bail during the Covid-19 pandemic from November, 2020, to April, 2023, by this Court, and he had never misused this liberty.

7. Opposing the grant of regular bail to the petitioner, learned Additional Public Prosecutor ("APP") appearing for the State has made the following submissions:

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7.1 The petitioner has committed the offences in such a brutal and cold-blooded manner that he not only murdered his long-standing friend, i.e., the victim, but also hid her dead body in a ventilation shaft of his house, and completed his own marriage functions even when the dead body of the victim was lying in the same house.

7.2 Out of the total of 33 prosecution witnesses, 28 prosecution witnesses have already been examined before the Trial Court. The prosecution witnesses examined so far have supported the case of the prosecution.

7.3 The trial in the present case is about to conclude, and there is a strong chance that the petitioner will be convicted, as there are multiple reliable pieces of evidence to prove the guilt of the petitioner beyond a reasonable doubt.

7.4 There is a strong apprehension that the petitioner, if released on bail, may harm the family of the victim, who resides in the same vicinity as the residence of the petitioner. He may also try to abscond to avoid standing trial.

8. A written synopsis has been filed on behalf of the Legal Representatives ("LRs") of the victim, as per which the following submissions have been made:

8.1 The allegations against the petitioner concern offences of an extremely grave nature, including the offence punishable under Section 302 of the IPC, which do not warrant the grant of regular bail.

8.2 The role attributed to the petitioner in the commission of the offences is direct and specific, as the case of the prosecution is that the petitioner himself committed the murder of the victim, concealed her dead body, and thereafter caused the disappearance of evidence.

8.3 The recovery of the car of the petitioner and plastic *katta*/bag having

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blood stains, along with a witness identifying the petitioner as having been with the victim on the date of the incident, constitute material circumstances connecting the petitioner to the offence.

8.4 Although 28 prosecution witnesses have been examined, the prosecution evidence is not entirely complete, and the petitioner cannot claim that nothing remains to be adjudicated by the Trial Court.

8.5 The petitioner resides in the same locality as the family of the victim, giving rise to an apprehension of threat or influence upon the remaining witnesses and tampering with evidence.

9. I have heard learned counsels appearing for the parties and have perused the record.

10. At the outset, it is apposite to set out the relevant factors this Court must consider in deciding whether to grant regular bail. In this regard, reliance may be placed upon the case of ***Ajwar Versus Waseem and Another, (2024) 10 SCC 768***, wherein, the Supreme Court has held as under:

> *"xxx xxx xxx*
>
> ***26. <u>While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail.</u>*** *[Refer : Chaman Lal v. State of U.P. [Chaman Lal v. State of U.P., (2004) 7 SCC 525 : 2004 SCC (Cri) 1974] ; Kalyan Chandra Sarkar v. Rajesh Ranjan [Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528 : 2004 SCC (Cri) 1977] ;*

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Masroor v. State of U.P. [Masroor v. State of U.P., (2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368] ; Prasanta Kumar Sarkar v. Ashis Chatterjee [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] ; Neeru Yadav v. State of U.P. [Neeru Yadav v. State of U.P., (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527] ; Anil Kumar Yadav v. State (NCT of Delhi) [Anil Kumar Yadav v. State (NCT of Delhi), (2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425] ; Mahipal v. Rajesh Kumar [Mahipal v. Rajesh Kumar, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] .]

xxx xxx xxx"

(Emphasis Supplied)

11. Regarding the period of incarceration already undergone by an accused person as a factor in granting regular bail, reference may be made to the case of ***State of Karnataka Versus Sri Darshan and Others, (2026) 8 SCC 223***, wherein, the Supreme Court has emphasised that prolonged incarceration, by itself, does not entitle the accused to regular bail. The Court must also consider the nature and gravity of the alleged offence and other material factors and facts of the case. The relevant paragraphs of the judgment are reproduced below:

"xxx xxx xxx

***36.2.** In State of U.P. v. Amarmani Tripathi [State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21 : 2005 SCC (Cri) 1960 (2)] , this Court reaffirmed that: (SCC p. 32, para 19)*

*"19. ...'14. ... **the mere fact that the accused has undergone certain period of incarceration… by itself would not entitle the accused to being enlarged on bail… when the gravity of the offence alleged is severe…'** [**Ed.**: As observed in Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528, pp. 536-37, para 14.] "*

***36.3.** In Kalyan Chandra Sarkar v. Rajesh Ranjan [Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528 : 2004 SCC (Cri) 1977] , this Court held: (SCC pp. 536-37, para 14)*

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> *"14. ... the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty.* ***In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."***

It was further held that: (Amarmani Tripathi case [State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21 : 2005 SCC (Cri) 1960 (2)] , SCC p. 31, para 18)

> *"18. ... While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused."*

36.5. ***More recently, in Ajwar v. Waseem [Ajwar v. Waseem, (2024) 10 SCC 768 : (2025) 1 SCC (Cri) 320] , this Court set aside four bail orders granted by the Allahabad High Court in a murder case involving double homicide under Sections 147, 148, 149, 302, 307, 352, and 504 IPC, despite the fact that the accused had remained in custody for over two years and eight months. The Court found that the bail was granted without proper consideration of material facts.*** *Accordingly, the accused were directed to surrender within two weeks. The following paragraph is relevant: (SCC p. 785, para 33)*

> *"33. Furthermore and most importantly, the High Court has overlooked the period of custody of the respondent-accused for such a grave offence alleged to have been committed by them. As per the submission made by learned counsel for the State of U.P., before being*

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released on bail, the accused Waseem had undergone custody for a period of about two years four months, the accused-Nazim for a period of two years eight months, the accused-Aslam for a period of about two years nine months and the accused Abubakar, for a period of two years ten months. In other words, all the respondent-accused have remained in custody for less than three years for such a serious offence of a double murder for which they have been charged."

36.6. In conclusion, while post-bail good conduct or the period of incarceration may be relevant considerations at the stage of continuing bail, they cannot cure the fundamental defects in an order granting bail which is otherwise perverse, legally untenable, or passed without due consideration of material factors such as the gravity of the offence, prima facie involvement, and the likelihood of influencing witnesses or tampering with evidence. An unsustainable bail order does not become valid with the mere passage of time or the subsequent behaviour of the accused. Judicial scrutiny must focus on whether the discretion to grant bail was exercised judiciously, and in accordance with established principles, at the time of the grant, and not mechanically or on technicalities. *Therefore, the order of the High Court granting bail to the respondents-accused, deserves to be set aside.*

xxx xxx xxx"

(Emphasis Supplied)

12. This Court notes that the present case involves serious allegations, as the petitioner has been charged with murdering a young girl, aged about 21 years, by strangulation.

13. This Court also notes that the present application is the third application for regular bail filed on behalf of the petitioner before this Court, the earlier ones having been dismissed. The Trial Court has also denied the petitioner regular bail on four occasions. There has been no material change in circumstances since those orders were passed.

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14. Accordingly, in view of the facts and circumstances of the present case, I do not consider this to be a fit case for the grant of regular bail.

15. The present application is dismissed for the aforesaid reasons.

16. Needless to state, any observations made in the present order are solely for the purpose of deciding the present application, and shall neither influence the outcome of the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

MINI PUSHKARNA, J

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