



2026:DHC:2781



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

% *Date of Decision: 02.04.2026*

+ **BAIL APPLN. 1285/2026 & CRL.M.A. 10068/2026**

MD. SHAHNAWAZ

.....Petitioner

Through: Mr. Vimal Tyagi, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with Inspector Shiv Karan Singh.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 624/2023 of Police Station Nabi Karim for offence under Section 304B/498A/201/34 IPC.
2. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/Inspector Shiv Karan.
3. Broadly speaking, the FIR was registered on the statement of Mohd. Chand alleging that on account of dowry torture, his sister committed suicide by hanging herself. The FIR was registered for offence under Section 498/304B/201/34 IPC. After the deceased was buried, on the basis



2026:DHC:2781



of further information, the dead body was exhumed and was sent for post-mortem. On the basis of post-mortem report, the learned trial court added the offence under Section 302 IPC to the charge.

4. Learned counsel for accused/applicant submits that the first informant has turned hostile, so this is a fit case to grant bail. It is also submitted that co-accused Abdul Jabbar was granted bail by a coordinate bench of this court but since Roster has changed, the present application has to be dealt with by this court. Learned counsel for accused/applicant submits that the coordinate bench granted bail to Abdul Jabbar after perusal of the post-mortem report.

5. Learned APP assisted by IO/Inspector Shiv Karan strongly opposes grant of bail on the ground of gravity of offence. Further, learned APP has placed strong reliance on the post-mortem report of the deceased, which recorded ante mortem injuries.

6. Learned counsel for accused/applicant submits that the injuries recorded in the post-mortem report are possible due to handling of the dead body at the time of burial.

7. So far as the injuries found on the deceased are concerned, in view of the post-mortem expert report (*that all those injuries are ante mortem in nature and caused by blunt force, and that possibility of physical assault on the deceased prior to death cannot be ruled out*), I am unable to accept the contention of learned counsel that those injuries were post-mortem and sustained on account of mishandling of the dead body during burial.



2026:DHC:2781



8. As regards bail granted to co-accused Abdul Jabbar, the coordinate bench of this court took note that there were no allegations against him and also the fact that he is father of the husband of the deceased. On the other hand, the accused/applicant is husband of the deceased. Not just this, two sisters of the deceased have deposed before the trial court and have strongly supported prosecution.

9. Keeping in mind the gravity of offence and material on record of the trial court, I do not find it a fit case to grant bail to the accused/applicant. Therefore, the bail application is dismissed. Accompanying application stands disposed of.

10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 2, 2026/ry