



2026:DHC:5412



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

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Date of Decision: 07.07.2026

+ **BAIL APPLN. 1731/2026**

VIJAY@LAKHAN

.....Petitioner

Through: Mr. Deepak Sharma and Mr. Ravi Gahlot, Advocates.

versus

STATE OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State with Inspector Manjeet.
Wife of deceased in person.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 407/2021 of Police Station Govind Puri for offence under Section 302/34 IPC.
2. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/Inspector Manjeet. I have also heard the widow of the deceased person.
3. Broadly speaking, the circumstances relevant for present purposes, as culled out of the status report dated 30.05.2026 are as follows. On



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25.06.2021, on receipt of a PCR call to the effect that uncle of the caller lady had been stabbed by someone, the IO/ASI Om Prakash reached the spot. On the spot, the IO met Rakhi, niece of the deceased, who stated to the IO that the deceased Hari Kishan reached the spot at about 07:30 pm in a blood-soaked condition and told her that someone had stabbed him with knife, after which he collapsed and had been taken to the hospital in an auto by his wife Ms. Sanju and brother Tara Chand. No eye witness was found on the spot by the IO. The injured Hari Kishan on being taken to the hospital was declared brought dead. The IO recorded statements of the witnesses who revealed enmity between the deceased and co-accused Ashu and Babu Lal. On the basis of statements of those witnesses, the investigation proceeded against Ashu and Babu Lal. Subsequently, on 09.11.2021, Ms. Sanju, the widow of the deceased approached the local police and gave a statement under Section 164 CrPC that on 25.06.2021 at about 07:30 pm, when she was present at her father's house, she heard her husband Hari Kishan shouting that he had been stabbed by someone and on being asked by her, he replied that Lakhan, Babu and Ashu had stabbed him. It is on the basis of that statement of widow of the deceased, the present accused/applicant was arrested.

4. Learned counsel for accused/applicant submits that he is innocent and there is no reliable evidence against him. It is submitted that neither Rakhi, to whom the deceased allegedly told having been stabbed, nor even widow of the deceased in their statements under Section 161 CrPC named the



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present accused/applicant as assailant. It is also submitted that even Tara Chand did not name the accused/applicant as assailant.

5. Learned APP for State opposes the bail application on the ground of antecedents of the accused/applicant. However, it is not denied by the IO that in her first statement dated 26.06.2021, the widow of the deceased did not state that the deceased had named the present accused/applicant as the stabber or even accompanying the stabber.

6. Widow of the deceased expresses apprehension that in case if released on bail, the accused/applicant would cause her harm.

7. In nutshell, the vital circumstances to keep in mind are that there is no eye witness to the alleged stabbing of the deceased; that Rakhi is the person to whom the deceased stated that he had been stabbed, but he did not name the alleged stabbers; that even in the hospital, nobody named the present accused/applicant in the MLC as the stabber; that even widow of the deceased in her initial statement dated 26.06.2021 did not say that the deceased had named the present accused/applicant as the stabber or accompanying the stabber; and that it is only in statement under Section 164 CrPC, recorded almost 135 days after the alleged incident that widow of the deceased named the present accused/applicant as the person accompanying the stabber.



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8. So far as the antecedents is concerned, the IO submits that the accused/applicant is involved in two more cases, but is on bail in those cases. As regards the apprehension of the widow of the deceased, learned counsel for accused/applicant assures that the accused/applicant shall not contact any family member of the deceased in any manner whatsoever.

9. The accused/applicant is in jail since 30.09.2022 and trial has almost concluded, with only the IO remaining to be examined.

10. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. 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.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

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

**GIRISH KATHPALIA
(JUDGE)**

JULY 07, 2026/dr