



2026:DHC:4265



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

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Date of Decision: 14.05.2026

+ **BAIL APPLN. 1326/2026 & CRL.M.A. 10422/2026**

VIJAY KUMAR @BITTU

.....Petitioner

Through: Mr. Pankaj Srivastav, Advocate.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with IO/Inspector Vikramjeet.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 467/2023 of Police Station Chhawla 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 Vikramjeet.



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3. Broadly speaking, prosecution case is as follows. The case originates from a blind FIR recorded on telephonic information that in the drain, one dead body was found. The local police retrieved the dead body with the help of professional divers and the same was found highly putrefied and decomposed. From pocket of the deceased, one paper slip was recovered on which 2-3 mobile phone numbers and one name of Twinkle and one name of Krishan Kumar were found handwritten. Along with that, from pocket of the deceased one currency note of Rs.500/- also was recovered. After ascertaining the identity of the deceased, her infant child was handed over to one NGO for safe custody. After some time, in the course of investigation, a secret information was received and on the basis thereof the present accused/applicant and co-accused Ajay were arrested on 02.10.2023 along with the car in which they allegedly killed the deceased.

4. Learned counsel for accused/applicant submits that he is in jail since 02.10.2023, without any legally admissible evidence. It is also submitted that none of the prosecution witnesses has supported prosecution case during trial, so there is no reason to deny liberty to the accused/applicant.

5. On the other hand, learned APP assisted by the IO explains that the accused/applicant had intimate relations with the deceased, and the infant was born to them but the accused/applicant did not want to get married, so he killed the deceased by strangulating her in his car. It is submitted that by way of circumstantial evidence, there is statement of one puncture repairer,



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who lastly saw the deceased in the company of the accused/applicant at 12:30am on 29.09.2023 and thereafter, at 02:00pm on 30.09.2023, dead body of the deceased was recovered. In response to a specific query, the IO also admits that no chance prints could be found by the Crime Team in the car in which the deceased was allegedly strangled.

6. Without analysing as to whether in view of the above mentioned time gap between 12:30am of 29.09.2023 and 02:00pm on 30.09.2023, the allegation that the deceased was lastly seen with the accused can be accepted as an evidence of last seen, suffice it to record that admittedly even that puncture repairer has not supported the prosecution during trial to establish that the deceased was seen with the accused/applicant at 12:30am on 29.09.2023.

7. I find substance in the submission of learned counsel for accused/applicant that it is difficult to believe that the paper in the pocket of the deceased would remain intact across two days and not get dissolved in the water.

8. I also find force in the submission that presently there is no evidence to connect the accused/applicant with the alleged murder except the so-called “secret information” which came up when the investigator was clueless about the killer. However, I must add a cautious rider that these are only *prima facie* findings, and the ultimate decision shall be arrived at by the



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trial court on the basis of evidence adduced during trial, independent of the above observations.

9. In view of the aforesaid, I find no reason to further deny liberty to the accused/applicant. The bail application is allowed and the 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 learned trial court. Pending application stands disposed of.

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

**GIRISH KATHPALIA
(JUDGE)**

MAY 14, 2026/ry