



2026:DHC:2294



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

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Date of Decision: 19.03.2026

+ **BAIL APPLN. 2823/2025**

NIZAMUDDIN @ GAURI

.....Petitioner

Through: Mr. Gautam Khazanchi and Ms. Aditi
Kukreja, Advocate.

versus

THE STATE (GOVT. OF NCT) DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Inspector S.S. Yadav and SI
Mahesh Kumawat.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No.176/2019 of PS Bhalswa Dairy for offence under Section 302 IPC.

1.1 This bail application came up for the first hearing on 30.07.2025 before the predecessor bench and thereafter continued getting adjourned before different benches. Along with 179 such old pending bail applications, this application also was transferred to this bench.

1.2 Today is the first hearing before me. I have heard learned counsel for



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accused/applicant and learned APP for State.

2. Broadly speaking, the prosecution case is based on circumstantial evidence in which the public witnesses have supported prosecution. As per prosecution, on 03.04.2019, on the basis of telephonic information, DD No.18A was recorded at 09:28am to the effect that the caller had informed that the tenant had left the house after killing his wife. Further investigation revealed that on 01.04.2019, the accused/applicant along with his wife (*the deceased*) shifted to the concerned property as tenant; that on 02.04.2019 at about 09:00pm, the wife of the landlord (PW6) saw the accused/applicant entering home and she requested him to bolt the door of the staircase which he did; that on the next morning at about 09:00am, PW6 discovered the dead body of the deceased lying on the floor, bleeding from eyes; that PW6 along with her husband rushed to the tenanted floor and informed the police. Further, the accused/applicant immediately fled away and was subsequently arrested from Mumbai.

3. Learned counsel for accused/applicant submits that he is in jail for past more than 04 years and trial is yet to be concluded, so he deserves to be released on bail. In response to a specific query, learned counsel for accused/applicant submits that presently he is unable to explain as to why the accused/applicant fled away immediately after the alleged murder of his wife. Learned counsel for accused/applicant does not dispute that three public witnesses have supported prosecution.



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4. Learned APP for State strongly opposes the bail application. As regards failure to lead evidence for past one and a half year, learned APP explains that some of the police officers have retired and require time to appear. However, learned APP assures that all steps shall be taken to expedite the trial.

5. Considering the overall circumstances, especially the evidence brought on record against the accused/applicant as discussed above, presently I do not find it a fit case to release the accused/applicant on bail. Therefore, the bail application is dismissed. However, learned trial court is requested to expedite disposal of the trial.

6. It is made clear that none of the above observations shall be read to the prejudice of the either side at the final stage of trial.

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

**GIRISH KATHPALIA
(JUDGE)**

MARCH 19, 2026/ry