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

% *Date of Decision: 26.11.2026*

\# **CNR No. DLHC010241662026**

\+ **BAIL APPLN. 2041/2026**

SAMEER KHAN .....Petitioner

Through: Mr. Ojas Singh Sachdeva and Ms. Akshita Bhardwaj, Advocates.

versus

STATE GOVT. OF NCT OF DELHI .....Respondent

Through: Mr. Hitesh Vali, APP for State with Investigating Officer/SI Harish Kumar.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 358/2025 of PS Chandni Mahal for offence under Section 80(2)/85/3(5) BNS and Section 3/4 of Dowry Prohibition Act.

2. After last date, status report was filed. I have heard learned counsel for accused/applicant and learned APP for State assisted by Investigating Officer/SI Harish Kumar.

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3. Broadly speaking, the FIR was registered on the complaint of mother of the deceased, alleging that the deceased had got married with the accused/applicant four months ago and prior to wedding, mother of the accused/applicant had demanded Rs.5,00,000/- in cash so that they could purchase a house, but parents of the deceased refused to give money, so accused/applicant and his mother started harassing the deceased. Mother of the complainant further stated that a day or two prior to her death, the deceased told her that she had been beaten up by the accused/applicant and was tried to be strangulated by him on instructions of his mother.

4. Learned counsel for accused/applicant submits that allegations levelled in the FIR are vague, as there is no proximity of death of the deceased with the last demand for dowry. It is also submitted that the post-mortem report of the deceased does not record any injuries suffered by the deceased and the same records only strangulation. It is also submitted by learned counsel for accused/applicant that he was arrested on 10.11.2025, but till date only one prosecution witness, who is father of the deceased, has been partly examined before the trial court and on every date, parents of the deceased are getting the matter adjourned on one or the other pretext.

5. Learned APP for State strongly opposes the bail application, submitting that the gravity of offence does not justify grant of bail, that too, at this stage when parents of the deceased are yet to be examined before the

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trial court. It is also submitted that the post-mortem report clearly records that death of the deceased occurred due to asphyxia as a result of ante-mortem hanging. Learned APP has also taken me through the post-mortem report from investigation file.

6. So far as the argument that FIR contains vague allegations, admittedly, order of the trial court, framing charge has not been challenged. The learned trial court, after examination of entire material on record, held in order dated 06.04.2026 that charge for offences under Section 80(2)/85/3(5) BNS and Section 4 of Dowry Prohibition Act is made out. Besides, I have also examined the FIR as well as remaining statements from the investigation file. I do not find it a case of vague allegations.

7. At this stage of dictation, it is submitted by learned counsel for accused/applicant that prior to the hanging of the deceased, the accused/applicant had also lodged a police complaint. Even if that be so, it would have to be tested during trial. The fact remains that the gravity of offence is of vital significance in a case of the present nature.

8. Further, as rightly submitted by learned prosecutor, death of the deceased having taken place by way of hanging within four months of her marriage, the presumption against the accused/applicant would kick in.

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9. So far as the argument of delay in trial is concerned, merely because parents of the deceased while appearing before the trial court request for adjournment on the ground that they are not feeling well, benefit cannot be extended to the accused/applicant. For, the court cannot be oblivious to the trauma of parents of a young girl, who died under unnatural circumstances within just five months of marriage and they are made to relive that trauma. Besides, the accused/applicant has also not placed on record, ordersheets of the trial court to show that no adjournment was taken by the defence side.

10. The argument of delay in trial cannot be analysed *de hors* the overall facts and circumstances of the case in the light of the period of incarceration of the accused. In the present case, the accused/applicant was arrested on 10.11.2025, after which chargesheet was filed, charges were framed and father of the deceased has already been partly examined. I do not find it a case of such delay in trial that would entitle the accused/applicant to bail.

11. Moreover, the apprehension of prosecution is not baseless that since parents of the deceased are yet to be examined before the trial court, if released on bail, the accused/applicant would pressurize them.

12. Considering the above circumstances, especially, gravity of offence and the fact that parents of the deceased are yet to be examined before the trial court, I do not find it a fit case to grant bail.

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13. Therefore, the bail application is dismissed.

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

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(JUDGE)

NOVEMBER 26, 2026/*ry*

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