



2026:DHC:9585



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 29.10.2026*# **CNR No. DLHC010518022026**+ **BAIL APPLN. 4594/2026 & CRL.M.A. 33831/2026**

MAHESH

.....Petitioner

Through: Mr. Abhishek K. Thakur and Mr.
Shashwat Kumar, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Hitesh Vali, APP for State with
SHO/Inspector Suman Kumar and SI
Ankit Tomar, PS Kotwali.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.522/2022 of PS Kotwali for offence under Section 307 IPC.
2. Broadly speaking, the prosecution case is that on 21.05.2022, DD No. 12A was recorded at PS Kotwali alleging that mother of the informant had been shot in the neck by some unknown person. However, when the IO contacted the injured namely Smt. Maloda, she informed that she had been

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stabbed in the neck by the present accused/applicant; that her daughter was married with the present accused/applicant and they have a son; and that her daughter got separated from the accused/applicant and she got remarried and took away her son also, so the accused/applicant assaulted her.

3. Learned counsel for accused/applicant submits that till date, marriage between the accused/applicant and daughter of complainant *de facto* has not been dissolved. It is also submitted that all vital witnesses already stand examined before the trial court and testimony of the remaining witnesses, who are official witnesses, would take long time to conclude.

4. Learned APP for State assisted by SHO/Inspector Suman Kumar accepts notice and submits that the application can be disposed of today itself. Learned APP for State strongly opposes grant of bail to the accused/applicant. It is submitted by learned APP on instructions of the SHO that two of the vital witnesses have been recalled but only for limited testimony regarding death of husband of the complainant *de facto*. It is also submitted by learned APP that the witnesses have supported prosecution case in their chief-examination and their testimony remains unshaken. It is also submitted that the weapon used in stabbing has been recovered and the same has been got examined from FSL. As regards the initial information, it is submitted by learned APP that the informant is an illiterate person.

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5. As mentioned above, the police machinery came into motion on the information provided by son of the injured to the effect that she had been shot in the neck by some unknown person. That version got transformed into stabbing on neck of the complainant *de facto*. The submission of learned prosecutor that the first informant, who is son of the complainant *de facto* is an illiterate person, does not satisfactorily explain the first information that the injury was caused by gunshot and that the same was caused by an unknown person. However, on this aspect, the trial court shall take independent view on the basis of evidence adduced.

6. According to the MLC, two lacerated wounds were found on the neck of complainant *de facto*, after treatment whereof she was discharged on the same day. The nature of the injuries was opined to be simple by the doctor on MLC. The accused/applicant is in custody for more than four years. The complainant *de facto* and her family members have already been examined before the trial court.

7. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant.

8. 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/Duty Magistrate.

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9. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.
10. Pending application also stands disposed of.

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**GIRISH KATHPALIA
(JUDGE)**

OCTOBER 29, 2026/dr