



2025:DHC:7706



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision : 03.09.2025.*+ **BAIL APPLN. 2136/2025**

NARENDER KUMAR BABBAR @ DADDY .....Petitioner

Through: Mr. K.K. Manan, Sr. Adv.  
along with Ms. Udit Bali, Ms.  
Karmanya Singh Choudhary,  
Mr. Mayank, Ms. Tanya and  
Ms. Shivani, Advs.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for the  
State with Mr. Ashish Priya  
and Mr. Ajay Pratap Singh  
Chauhan, Advs. along with SI  
Kuldeep.

**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J (Oral)**

1. By way of the instant petition filed under Sections 483, Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter “BNSS”), read with 439, Code of Criminal Procedure, 1973 (hereafter “Cr.P.C.”), the petitioner-applicant seeks the grant of regular bail in the FIR no. 657/2004 registered under Sections 302/174-A, Indian Penal Code, 1860 (hereafter “IPC”) at Paschim Vihar East Police Station.

2. Briefly stated, the facts of the case are that *vide* DD no. 13A



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dated 27.08.2004, information was received at PS Paschim Vihar regarding the murder of one Smt. Praveen (hereafter, “deceased”) at A-2/222, Paschim Vihar, culminating in the present FIR. It is alleged that on the said date, the applicant-accused had gone to the house of the deceased, where one Rakesh, her domestic servant, had opened the door and had let him in. Thereafter, Rakesh had been sent to enquire about flat no. A-2/254 in the neighbourhood. While the applicant-accused was left alone with the deceased, he had started misbehaving with her and upon her protesting thereto, she was threatened by the applicant-accused, pushed onto the bed, and strangled. Allegedly, when Rakesh had returned, he had witnessed the incident taking place before him. Rakesh was also assaulted by the applicant-accused, and he was threatened of dire consequences if he raised any alarm.

3. During the course of investigation, statements of the eyewitness, Rakesh Kumar, as well as of the husband of the deceased, Gulshan Lal, were recorded under Section 161 of Cr.P.C., to the effect that the witness was present at the crime scene and that was ready to identify the accused; and that the deceased had called her husband before the alleged incident and informed him that the accused had come to the house, respectively. However, when the accused was searched for, he could not be traced. Consequently, vide order dated 28.02.2007, he was declared a Proclaimed Offender (P.O.) by the learned Trial Court. On 17.03.2023, the applicant-accused was arrested and has been in custody since then. *Vide* order



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dated 10.01.2025, the applicant's bail application was dismissed by the learned Trial Court.

4. The learned senior counsel for the applicant-accused submits that the applicant has been falsely implicated in the present case, and no incriminating evidence is available on record to link him with the alleged incident. It has been specifically contended that the star witness in the case, PW-1 Rakesh, as well as the husband of the deceased, PW-2, have already deposed before the Court, thereby obviating any possibility of him influencing them or otherwise impeding the investigation. Moreover, it is argued that the said testimonies suffer from major inconsistencies; added to which, there remains no evidentiary material identifying the applicant-accused at the crime scene. Also, it is argued that no fingerprints of the relevant witnesses had been sent for FSL by the investigation authorities. Furthermore, it is argued that the trial is not proceeding expeditiously, as only 3 witnesses out of 26 have been examined till date. Lastly, it is submitted that the conduct of the applicant-accused has been clean and he is ready to cooperate in the trial, and thus, it is prayed that he be granted regular bail.

5. The learned APP for the State, on the other hand, submits that the allegations *qua* the applicant-accused in the instant case are specific and grave, and there is enough evidence to link him with the alleged offence. It has been specifically argued that PW-1's testimony, being that of a star witness, directly establishes the accused's presence at the crime scene, which is further corroborated



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by testimony of PW-2. Further, it is contended that the fingerprints of the accused have matched with the chance prints obtained from the crime scene. Lastly, it is argued that the applicant-accused had been declared as a PO; in which light, if he is enlarged on bail, he might abscond. It is thus prayed that the bail application be dismissed.

6. This Court has **heard** arguments addressed on behalf of the learned counsel for the applicant and the learned APP for the State and has perused the material on record.

7. At the outset, this Court notes that the allegations levelled against the applicant-accused are very serious and grave in nature. This Court, upon perusal of the testimony of PW-1, who is the eye-witness, reflects that the witness has specifically described as to how the accused had strangled the deceased by laying her over the bed despite her protesting thereto. The witness has also alleged that he was also assaulted by the applicant-accused. Further, more pertinently, it is noted that the said witness has supported the prosecution case regarding the role attributable to the accused when he was examined in the Court at the time of recording evidence under Section 299 of Cr.P.C., when the accused was proclaimed offender at that relevant time as well as in the testimony recorded on 06.04.2024 and 04.05.2024, after the accused was arrested. Added to that, this Court notes that PW-1 has identified the applicant-accused before the learned Trial Court also when his testimony was recorded on 06.04.2024 and 04.05.2024.

8. Furthermore, a perusal of the FSL report also reveals that



chance prints lifted from the crime scene have matched with the finger prints of the accused, which is an incriminating evidence against the applicant-accused.

9. In addition to the above, this Court finds that it is evident from the record that the applicant-accused had been declared proclaimed offender by the learned Trial Court in the year 2007, and had remained untraceable until 2023. He had absconded for more than 16 years. Thus, the likelihood of him not being available for trial has been rightly questioned by the learned Trial Court and the learned APP for the State.

10. Lastly, this Court finds it relevant to take note of the Hon'ble Supreme Court's observation in *X vs State of Rajasthan: 2024 SCC OnLine SC 3539* wherein it was held that in cases involving serious offences like rape, murder, dacoity, etc., the Courts should be loath in entertaining the bail application - once the trial commences and the prosecution starts examining its witnesses.

11. Thus, in light of the foregoing circumstances, this Court is not inclined to grant regular bail to the applicant-accused at this stage.

12. However, this Court is of the view that the trial in the present case needs to be expedited, especially given the present stage of the case, as noted above, as well as the fact that it dates back to 2004. Accordingly, the learned Trial Court is directed to expedite the trial.

13. Accordingly, the present application is dismissed.

14. It is, however, clarified that nothing stated herein shall



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tantamount to an expression of opinion on the merits of the case.

15. The order be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J.**  
**SEPTEMBER 03, 2025/vs**