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2026:DHC:10372

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

% *Date of Decision: 23.11.2026*

CNR No. DLHC010421662026

\+ **BAIL APPLN. 3723/2026**

HEMA .....Petitioner

Through: Mohd. Suza Faizal and Ms. Vaishali Khorwal, Advocates

versus

STATE OF NCT DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP for State with Ms. Megha Garg, Advocate with Inspector Chetan Singh and SI Pradeep 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. 718/2022 of PS Mandawali for offence under Section 302 IPC.

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 Inspector Chetan Singh.

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3. Broadly speaking, the allegation against the accused/applicant is that when her husband came to know about her illicit affair with co-accused Sachin, she strangulated her husband to death. The prosecution case is based on circumstantial evidence, testimony of Nishant, son of the accused/applicant being the crucial material. The said son of the accused/applicant narrated the relevant facts as follows. On the ill-fated night, when he returned home from the flat above his flat, he heard someone moaning inside his flat. After about 2-3 minutes of knocking, his mother (*the accused/applicant*) opened the door and he noticed her quite nervous sweating profusely. He also saw a cloth lying on the face of his father, so he asked and the accused/applicant responded that she had placed the cloth on face of his father because the latter had consumed alcohol. Thereafter, the accused/applicant sent him (Nishant) out to fetch vegetables. After about 10-15 minutes when he returned home, he again found door of his flat latched and after knocking for about 2-3 minutes, his mother opened the door and informed that his father was not breathing. When he checked, no heartbeat of his father was detected, so he asked the accused/applicant to call their relatives and also the neighbors. When one of the neighbors insisted, the accused/applicant removed the cloth from face of the deceased and Nishant noticed injuries on face of the deceased.

4. Against the above backdrop, learned counsel for accused/applicant submits that she deserves to be released on bail. It is contended that the deceased died on account of excessive intake of alcohol and there is no evidence to show that he was strangulated by the accused/applicant. Further,

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relying upon CDRs (*annexed as Annexure P-13 to the bail application*), it is contended by learned counsel that the same reflect multiple phone calls during the period of murder, exchanged between the accused/applicant and co-accused Sachin, which could not have been possible had the accused/applicant been killing the deceased at that time.

5. Learned APP for State strongly opposes the bail application, taking me through the testimony of PW Nishant. It is contended that the gravity of offence has to be kept in mind, so it is not a fit case for grant of bail.

6. So far as the argument that the deceased died due to excessive consumption of alcohol and not strangulation, the post-mortem report categorically records that a total of 12 external and internal injuries were found on the head, neck, chest and abdomen of the deceased, and the cause of death was combined effect of asphyxia due to ante-mortem compression of neck and hemorrhagic shock due to injury of liver caused by blunt force impact. That being so, I find no merit in the submission that the deceased died because of excessive intake of alcohol.

7. Then comes the argument as regards multiple phone calls between the accused/applicant and the co-accused Sachin during the period of the alleged murder. Rather, that fact lends credence to the prosecution case as regards motive behind the murder.

8. As mentioned above, Nishant, son of the deceased, categorically deposed before the trial court that on reaching his flat, he found the door

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latched from inside and after knocking for 2-3 minutes it was opened by the accused/applicant, who was quite nervous and sweating profusely while the deceased was lying with cloth on his face; and that even when he returned from market, again the door of his flat was found latched from inside and it is the accused/applicant, who opened the same, after which Nishant noticed that the deceased had died. In these circumstances, cause of death of the deceased was within exclusive knowledge of the accused/applicant and she claims it to be excessive intake of alcohol, but that claim is falsified by the post-mortem report.

9. At this stage, I must add a cautious rider that the above discussion has been recorded only to analyze the rival arguments. The learned trial court shall take an independent view without getting influenced with these observations.

10. I do not find it a fit case to release the accused/applicant on bail. The bail application is dismissed. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

GIRISH KATHPALIA
(JUDGE)

NOVEMBER 23, 2026/*as*