



2026:DHC:1623



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

Reserved on: February 16, 2026

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Pronounced on: February 24, 2026

+ **BAIL APPLN. 4493/2025**

UJJWAL

..... Applicant

Through: Mr. Sarthak Tomar, Adv. (through VC)

Versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Satish Kumar, APP with Ms. Upasna Bakshi and Ms. Divya Bakshi, Advocates with SI Naresh Kumar, PS: Punjabi Bagh

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present bail application under *Section 482* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of anticipatory bail in proceedings arising from FIR No.503/2025 dated 13.08.2025 registered at PS.: Punjabi Bagh, Delhi under *Sections 306/34* of the Indian Penal Code, 1860 (**IPC**).

2. As per FIR, on 09.05.2023, the complainant's daughter ended her life by hanging herself from a ceiling fan at her residence after writing two suicide notes. Though she was immediately taken to a nearby hospital, where she was declared brought dead. During inspection, the investigating team seized two suicide notes, two notebooks, and the deceased's mobile phone from the scene. The anal and vaginal swabs sent for FSL showed no presence of semen, and the post-mortem report confirmed the cause of death as



asphyxia due to antemortem hanging. The suicide notes, which upon confirmation by the FSL report, attributed the deceased's decision to end her life to the applicant and his family members, alleging that the applicant had misled her for two years, promised marriage and later withdrew under family pressure, and had also established physical relations with her. Upon an application filed by the deceased's parents under *Section 156(3)* of the Cr.P.C., the present FIR was registered pursuant to the order dated 12.08.2025 passed by the learned Trial Court.

3. Mr. Sarthak Tomar, learned counsel for the applicant submitted that the Instagram and WhatsApp chats exchanged between the deceased and the applicant soon before her death on 09.05.2023 have not been subjected to FSL verification. Even otherwise, there are no messages sent by the applicant therein. Moreover, the aspect of refusal to marry by the applicant and that he had gotten engaged to another woman are also without any support. In any event, the applicant got married nearly *three years* after the alleged incident, i.e. *two months* before registration of the present FIR. As per ***Kamruddin Dastagir Sanadi vs. State of Karnataka***¹ and ***Yadwinder Singh @ Sunny vs. State of Punjab & Anr.***², even assuming that the applicant declined to marry the deceased, such refusal does not, by itself, constitute instigation or abetment to commit suicide. Moreover, there was no positive/ active act on the part of the applicant which directly led to commission of suicide by the deceased. Hence, in the absence of a clear *mens rea* and an active/ direct act

¹ CrI. App. No.551/2012

² CrI. No.7309/2025



on behalf of the applicant, the essential ingredients regarding abetment of suicide under *Section 306* of IPC have not been made out.

4. *Per contra*, Mr. Satish Kumar learned APP for the State relying upon the Status Report, submitted that the deceased and applicant were admittedly in a relationship for nearly *two years* prior to the incident, and their families had met, and expressed agreement towards their marriage. Recovery of two suicide notes written by the deceased, and which are confirmed by the FSL report, clearly spell out the reason of suicide attributable to the applicant's refusal to marry her and the opposition from his parents. Further, the WhatsApp messages exchanged on the date of the incident show that the deceased was repeatedly requesting the applicant to speak with her, to which the applicant offered no response.

5. Lastly, the learned APP submitted that the applicant joined the investigation only twice that too pursuant to directions of the learned Trial Court. Neither occasions, he cooperated with the investigation as he failed to produce the mobile phone allegedly used by him at the time of the incident.

6. Upon hearing the learned counsel for applicant and the learned APP, and perusing the documents as also Status Report on record, it bears that though the case of the prosecution rests upon the contents of the alleged suicide notes of the deceased, there is nothing credible enough for substantiating the same. It is at the end of the day a singular version of the deceased. The exchange of WhatsApp texts of the deceased with the applicant prior to her committing suicide also do not point anything of untoward nature which is, for the time being, sufficient to deny bail to the



applicant. More so, since the only allegation is that he did not reply to the texts he received. There are thus no active/ clear act of instigation/ abetment having a direct and proximate link to the commission of suicide.

7. It is also not denied that the applicant joined the investigation, however, as per prosecution, he did not give valid responses or produce his mobile phone. Merely not getting the ‘desirable’ answers, is itself not a reason to deny bail, moreover, when the level of non-participation is itself unclear. In any event, the prosecution always has the right to take necessary and proper steps in such a case.

8. Keeping in mind the safeguards required while granting anticipatory bail, this Court is of the opinion that the applicant has *prima facie* made out a case for grant of anticipatory bail in FIR No.503/2025 dated 13.08.2025 registered at PS.: Punjabi Bagh, Delhi under *Sections 306/34* of IPC.

9. Accordingly, the applicant is granted anticipatory bail in FIR No.503/2025 dated 13.08.2025 registered at PS.: Punjabi Bagh, Delhi under *Sections 306/34* of the IPC. As such, in case of his arrest, the applicant be released on furnishing a personal bond in the sum of Rs.1,00,000/- (*Rupees One Lakh Only*) along with one surety of the like amount by a family member/ friend having no criminal case pending against him and further subject to the satisfaction of the Arresting Officer/S.H.O. and further subject to the following conditions:-

- a) Applicant shall not leave the NCT of Delhi without prior permission of the concerned Court and shall ordinarily reside at the address as per TCR.



- b) Applicant shall surrender his Passport, if any, to the IO within *three days* of his release. If he does not possess the same, he shall file an affidavit before the I.O. to that effect.
 - c) Applicant shall join and participate in the investigation as and when called by the IO.
 - d) Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times.
 - e) Applicant shall not indulge in any criminal activity and shall not contact any of the prosecution witnesses, or tamper with the evidence of the case.
10. Accordingly, the present application is allowed and disposed of in the aforesaid terms.
11. Copy of this order be sent to the concerned S.H.O. for information and compliance thereof.
12. Needless to say, observations made hereinabove, if any, on the merits of the matter are purely for the purposes of adjudicating the present application and shall not be construed as expressions on the merits therein.

SAURABH BANERJEE, J

FEBRUARY 24, 2026/bh/DA