

**IN THE COURT OF MS. NISHA SAHAY SAXENA  
PRINCIPAL DISTRICT & SESSIONS JUDGE :  
NORTH-WEST : ROHINI COURTS : DELHI.**

CNR No. DLNW01-009639-2024

SC No. 782/2024

State Vs. Sumit

FIR No. 299/2024

PS : Shalimar Bagh

U/s 302/506 IPC

& 25/27 Arms Act

**(Order on bail application of accused Sumit)**

04.04.2026

This is an application u/s 483 BNSS for grant of bail moved on behalf of the applicant / accused Sumit. Reply to the said application has already been filed.

Arguments have been addressed by Sh. P. K. Samadhiya, Ld Additional Public Prosecutor for State and Sh. S.K. Manan, Ld. counsel for accused.

The allegations against the applicant / accused that on 16.06.2024, he murdered Neetu Kumari by firing upon her using a country made pistol, which was recovered from his possession on 17.06.2024 and also threatened Riya, Kirti and Neetu Kumari to disclose the address of Sonali or that he would kill them.

Bail has been sought on behalf of the applicant / accused on the ground that in total 22 witnesses have already been examined in the present matter and all the four public witnesses have already been examined and they have not supported the prosecution case. During arguments, it is submitted that at the time of alleged recovery of country made pistol from the house of accused in village Kastla, PS Incholi, Meerut, UP,

neither any public witness from the neighbourhood nor any police official from local police was joined in the proceedings and as such the recovery of country made pistol is doubtful. It is prayed that the applicant / accused Sumit be enlarged on bail.

On the other hand, Ld. Prosecutor has argued that the deceased was the mother in law of the accused and the complainant Riya is his sister in law (sister of wife of accused). It is submitted that no doubt the public witnesses, who happen to be close relatives of the accused, have not supported the prosecution case in toto, but it is writ large that they intend to save the accused from the clutches of law. It is submitted that the FSL result duly supports the prosecution case to the effect that the cartridge, which was recovered from the body of deceased Neetu Kumari, was fired from the country made pistol, which was recovered from the possession of accused.

It is settled principle of law that at the stage of considering an application for bail, the Court can only go into the question of the prima facie case established for granting bail. It cannot go into the question of credibility and reliability of the witnesses put up by the prosecution. The question of credibility and reliability of prosecution witnesses can only be tested during the trial. Normally in the offence of non-bailable also, bail can be granted if the facts and circumstances so demand. For granting bail in non-bailable offence, the primary consideration is the gravity and the nature of the offence.

Considering the gravity of offences alleged against the applicant / accused, and the fact that the country made pistol, which was used at the time commission of crime, was recovered

at the instance of the accused and the FSL result corroborate the prosecution version, I am not inclined to grant bail to the applicant / accused at this stage. Accordingly, the present bail application is dismissed.

Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the applicant / accused. As prayed a copy of this order be given dasti to Ld. counsel for applicant / accused.

Now to come up on the date already fixed i.e.  
14.04.2026.

(Nisha Sahay Saxena)  
Principal District & Sessions Judge (NW)  
Rohini Courts, Delhi (k)  
04.04.2026

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Present: Sh. P.K. Samadhiya, Ld Additional Public  
Prosecutor for State.

Sh. S.K. Manan, Ld. counsel for applicant / accused  
Sumit via video conferencing.

Vide my separate order of even date, bail application  
moved on behalf of the applicant / accused Sumit is dismissed.

Now to come up on the date already fixed i.e.

14.04.2026.

(Nisha Sahay Saxena)

Principal District & Sessions Judge (NW)

Rohini Courts, Delhi (k)