

SC No. 861/2016
State Vs. Rajnesh Mishra and ors.
(applicant/accused Lalit Sahni)
FIR No. 74/2015
P.S. Vivek Vihar
u/s 302/365/201/120-B/34 IPC.

09.12.2025

Present: Sh. Parmod Kumar, Ld. Addl. PP for State.
Sh. Mukesh Kumar, Ld. Counsel for
applicant/accused Lalit Sahni.

**ORDER ON THE REGULAR BAIL APPLICATION OF
APPLICANT/ACCUSED LALIT SAHNI.**

1. The present is the 3rd bail application on behalf of applicant/accused Lalit Sahni for granting regular bail in FIR No. 74/2015 P.S. Vivek Vihar u/s 302/365/201/120-B/34 IPC.

The trial of the case is pending before this court at the stage of prosecution evidence. The applicant is in JC since 14.10.2021.

Case of the prosecution:-

2. The case of the prosecution is that on 27.01.2015 at about 8.10 pm, the complainant lodged a missing report of her husband Naresh Sahni stating that on 26.01.2015 at about 10 am, he left his home for Panipat to collect Rs.1 lakh from Vijay Sahni borrowed by the latter from the former. Vijay Sahni had called Naresh Sahni at his jija's house at Panipat. At about 6 pm, she received a phone call from her husband who asked her to prepare food as he would be reaching the home in the night. However, when the complainant tried to contact her husband on his mobile

phone at about 7 pm, his number was switched off. On the next date, the complainant informed her landlord about the entire situation and asked him (landlord) to accompany her at her husband's workplace. She also showed one affidavit to her landlord, prepared by her husband while lending the money to Vijay Sahni. Thereafter, the complainant and her landlord went to meet both the witnesses of the said affidavit, but those witnesses informed that they were not aware anything about Naresh Sahni, but one of the witnesses namely Nadeem took them to the place of Lalit Sahni, brother of Vijay Sahni, where he was not found. When the complainant called at the mobile phone of Lalit Sahni, he asked them to wait, but he did not come to meet them. Therefore, they went to the shop of one *halwai* where Vijay Sahni used to work, there they came to know that Vijay Sahni had already left the job. Thereupon, complainant had raised suspicion on Vijay Sahni regarding missing of her husband. Thereafter, the present FIR was initially registered u/s 365 IPC. During the course of investigation, accused Rajnish Mishra was arrested and he disclosed about the involvement of applicant, Vijay Sahni and Ranjeet Rai in the alleged offence.

3. During investigation, it was found that the applicant alongwith above named accused persons have murdered complainant's husband Naresh Sahni, thereafter, Sections 302/120-B/201/34 IPC were added in the FIR.
4. Ld. Counsel for applicant has argued that applicant/accused is in JC since 14.10.2021; he has been

falsely implicated in the present case by the complainant merely on the basis of disclosure statement of co-accused Rajnish Mishra, who has already been granted bail vide order dated 09.05.2016; the name of applicant/accused was not taken by the complainant either in her statement or in the FIR; investigation has already been completed and no public witness has deposed against applicant/accused; nothing has been recovered at the instance of applicant/accused; applicant/accused is ready to furnish sound and reliable surety to the satisfaction of this court and also to abide all the terms and conditions, if any, imposed by this court. Hence, he prayed that applicant be admitted to bail.

5. Per contra, Ld. Addl. PP for the State has vehemently opposed the present application stating that the allegations against the applicant/accused are serious in nature. He is brother of co-accused Vijay Sahni. His CDR on the date and time of the incident is matching with the CDR of the deceased Naresh Sahni. Thus, he prays to dismiss the present application.
6. Arguments considered.
7. One of the ground on which applicant is seeking bail is partly with co-accused Rajnish Mishra. *Notably*, accused Rajnish was admitted on bail by Ld. ASJ primarily on the ground that FSL report qua the remains of dead body of deceased was not on record and at that time, there was no immediate prospect of receiving the same. However, now the DNA report has been received which has inexplicably matched and at this stage, the said report cannot be doubted.

Hence, the ground of parity is not available to the applicant.

8. On merits, the present case is based on circumstantial evidence. The location of mobile of the applicant at the relevant time and date is matching with the location of deceased Naresh Sahni. The long incarceration of the applicant cannot be the ground to admit him on bail. The allegations against the applicant are grave and serious. In the totality of facts and circumstances, no ground for bail is made out. Hence, the present application is hereby dismissed.

(Charu Aggarwal)
ASJ-02/E-Court/Shahdara
KKD/Delhi/09.12.2025