

IA NO. 14/2026
SC NO. 825/2025
STATE VS AMAN BHARDWAJ
FIR NO. 337/2025
PS: CHHAWLA
U/S 80(2)/85/3(5) BNS

10.02.2026

Present: Sh V.K Swami, Ld Sub. Addl PP for the State
Sh. Manoj Lohat and Sh Sahil Aggarwal, Ld.
Counsels for the applicant/accused Aman Bhardwaj.
Sh. Arjun, Ld. Counsel for Complainant.

This is a bail application filed on behalf of the applicant/accused Aman Bhardwaj, seeking regular bail in the present FIR registered at P.S. Chhawla under Sections 80(2)/85/3(5) of the Bharatiya Nyaya Sanhita, 2023.

Learned counsel for the applicant has submitted that the charge-sheet in the present case has already been filed and therefore, the continued judicial custody of the applicant is no longer required. It is argued that the applicant has been falsely implicated and that the allegations of cruelty and dowry death are based merely on conjectures and suspicion, without any substantive evidence.

It is further contended by the Learned counsel for the applicant that the co-accused namely Ravinder Bhardwaj and Kavita Bhardwaj were not arrested during the course of investigation and the charge-sheet against them has been filed without arrest. It is further submitted that the said co-accused persons have already been granted regular bail vide order dated 13.12.2025 and the applicant is entitled to parity.

Learned counsel for the applicant/accused has further argued that even if the allegations in the FIR are taken at face value, there is no material on record to establish that the deceased *Komal @ Varsha* was subjected to cruelty or harassment by the applicant or that any demand of dowry was raised by him soon before her death. It is submitted that there is no document or specific averment on record indicating what dowry demand was allegedly made and when. It is further submitted that in the complaining statement of the complainant Dinesh Kumar there is no ingredients of dowry death which prima facie rest on demand of the dowry being made just prior to the death of the deceased. Hence, it is argued that the foundational ingredients of Sections 80(2) and Section 85 BNS are not satisfied. It is further submitted that the applicant has been in judicial custody since 24.08.2025 and is having clean antecedents being a permanent resident of Delhi and is working as an electrician to earn his livelihood.

Learned counsel for the applicant further submits that further incarceration of the applicant would amount to pre-trial punishment especially when investigation stands completed. Reliance has been placed upon the bail orders passed by the Hon'ble High Court of Delhi in *Rohit v. State (NCT of Delhi) Bail Appln No. 2863/2025 decided on 24.11.2025* to contend that where the complaining statement only discloses ordinary marital discords and allegations of quarrel and beating, the offence of dowry death is not attracted. Accordingly, Ld. Counsel for the applicant submits that the applicant deserves to be enlarged on bail.

Conversely, learned Addl. PP for the State, assisted by learned counsel for the complainant, has strongly opposed the

bail application. It is submitted that on *21.08.2025*, a PCR call was received regarding an unconscious woman lying at the matrimonial home of the applicant and on reaching the spot, the deceased was found unresponsive and was declared brought dead at RTRM Hospital. It is submitted that the deceased was married to the applicant on *16.04.2025* and her death occurred within *five months of marriage*. It is further submitted that as the death occurred within seven years of marriage and in unnatural circumstances, the SDM, Kapashera conducted inquest proceedings and recorded statements of the parents of the deceased. It is further argued that the father of the deceased specifically alleged that his daughter was subjected to mental cruelty and harassment on account of dowry demands, including a demand of ₹5,00,000/- and that the accused persons were dissatisfied with the dowry given at the time of marriage.

It is further submitted that the post-mortem examination conducted of the deceased *Komal @ Varsha* on *24.08.2025* opined the cause of death as asphyxia consequent upon antemortem hanging, thereby establishing that the death was unnatural. It is further contended that during investigation, the applicant was arrested and failed to satisfactorily explain the circumstances leading to the death of his wife inside the matrimonial home. Learned Addl. PP for the state further submitted that there are specific allegations of dowry demand and cruelty soon before death, attracting the statutory presumption under *Section 80(2) BNS read with Section 118 of the Bharatiya Sakshya Adhiniyam (corresponding to Section 113-B of the Indian Evidence Act)*. It is also argued that the deceased was two months pregnant, and such a circumstance strengthens the prosecution case that she

was subjected to unbearable harassment. Reliance has been placed upon the judgments of the Hon'ble Supreme Court in *Rameshwar Dass v. State of Punjab*, *Manu/SC/8223/2007* and *Yogendra Pal Singh v. Raghavendra Singh*, *2025 SCC OnLine SC 2580*. It is contended that the Hon'ble Apex Court in *Yogendra Pal Singh (supra)* has cautioned against grant of bail in dowry death cases in the presence of strong incriminating material. It is argued that the trial is at a nascent stage and no prosecution witness has been examined. Accordingly, it is contended that the application of the applicant be dismissed.

I have heard the learned counsel for the applicant, learned Addl. PP for the State, and learned counsel for the complainant. Further, I have carefully perused the entire record.

It is trite to say that at the stage of consideration of bail application, the Court is not required to conduct a mini trial or examine the merits of the evidence in detail. However, the Court cannot lose sight of the seriousness of the allegations, the nature of the offence and the statutory presumptions applicable. In the present case, the death of the deceased *Komal @ Varsha* occurred within five months of marriage, inside the matrimonial home and in unnatural circumstances. There are specific allegations of dowry demand and cruelty soon before death, as reflected in the statements recorded during investigation. The statutory presumption under Section 80(2) of BNS read with Section 118 of the Bharatiya Sakshya Adhiniyam is attracted against the applicant.

Apparently, the allegations in the present case are grave and serious in nature. The trial is at an early stage and no material prosecution witnesses have been examined till date as the

matter is stage of arguments on charge. Therefore, considering the nature of the offence, this Court does not find it to be a fit case for grant of bail at this stage. ***Accordingly, the bail application filed by the applicant/accused Aman Bhardwaj is dismissed.***

The bail application of the applicant/ accused Aman Bhardwaj is accordingly disposed of in the above said terms.

Needless to say that nothing stated herein shall be construed as an expression on the merits of the case.

Copy of this order be given Dasti to the Ld Counsel for the applicant.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/10.02.2026