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

CNR No. DLHC010448572025

+ **CRL.A. 987/2025**

DEEN DAYAL @ DEENU

.....Appellant

Through: Mr. Saurabh Upadhyay, Mr. Amit Upadhyay and Ms. Anshika Pandey
Ms. Aishwarya Rao and Mansi Rao,
Adv. (M. 9871598522)

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ritesh Kumar Bahri APP with Mr. Lalit Luthra Adv. for State. (M. 9910645959).
SI Vivek Tomar PS Sunlight Colony.
Mr. B. Badrinath, Adv. (DSLISA) and
Mr. Dhruv Bhardwaj, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

ORDER

% **05.08.2026**

1. This hearing has been done through hybrid mode.

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2. The present application has been filed by the Appellant under Section 430 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking suspension of sentence and release of the Appellant on bail during the pendency of the instant appeal.

3. Ms. Rao. Id. Counsel for the Appellant submits that a private Counsel has been engaged by the Appellant. She is accordingly discharged from the



matter.

4. In the instant appeal, the Appellant has challenged the impugned judgment dated 18th September, 2024 and order on sentence dated 31st January, 2025 passed by Id. Additional Sessions Judge-02, South East District, Saket Courts, New Delhi in **Sessions Case No. 172/2021** arising out of **FIR No. 400/2020** registered at P.S. S L Colony for offences punishable under Section 302 of the Indian Penal Code, 1860 (*hereinafter*, 'IPC').

5. *Vide* the impugned judgement, the Appellant has been convicted for offences punishable under Section 302 of IPC.

6. *Vide* the impugned order on sentence, the Appellant has been sentenced in the following terms:

"Sentence of Convict.

16. In this case, convict Deen Dayal was found guilty and convicted for having committed the offense punishable u/s 302 IPC.

17. Admittedly, the present case does not fall in the category of rarest of the rare case. Therefore, convict Deen Dayal is hereby sentenced to undergo rigorous imprisonment for life and also to pay a fine of Rs.2,000/- for having committed the offense punishable under section 302IPC. In the event of failure to pay the fine amount, convict shall further undergo rigorous imprisonment for three months. Fine not paid.

18. Benefit of section 428 Cr.P.C. be given to convict for the period of detention already undergone by him in custody in this case.



19. So far as compensation to victim is concerned, the impact on the victim (family of the deceased) cannot be assessed in terms of money. Further, Therefore, DLSA, South-East District, Saket Courts, is directed to grant adequate compensation to the victim/ family of the deceased, as per rules. Copy of this order be also sent to Secretary, DLSA, South-East District, Saket Courts, for information and compliance.

20. Case property, if any be confiscated to the State after the expiry of period of revision/ appeal, if any. Copy of judgment and order on sentence, he supplied to the convict free of cost. Copy of this order he also sent to the Superintendent, Tihar Jail, for information.”

7. On 12th January, 2026, the Court had directed the District Legal Services Authority (*hereinafter*, ‘DLSA’), South East, to place on record the report containing details of compensation awarded to the family of the deceased.

8. Thereafter, on 10th February, 2026, a status report on behalf of the Delhi State Legal Services Authority (*hereinafter*, ‘DSL SA’) was filed, as per which, compensation to the tune of Rs. 9.5 lakhs was released to the legal heirs of the deceased victim. Further, the Court had noted as under:

“[...]

5. The amount is stated to have been credited to one Mr. Ronak Verma and one Ms. Damini Verma. The exact relationship between the said persons with the deceased, and the manner in which the disbursal of



compensation to these persons was ascertained, has not been mentioned in the report at all.

6. Accordingly, let the Secretary (Litigation), DSLSA file a report in this regard.”

9. Today, the Court has been informed that a status report has been filed on behalf of the DSLSA, stating that the compensation has been disbursed to the wife and the son of the deceased, after verifying the surviving member certificate.

10. Accordingly, the DSLSA is discharged from appearing in the matter.

11. The incident in the present case relates to the stabbing of one Mr. Harsh Verma, on the fateful day of 3rd December, 2020. On the said date, an information, *vide* DD No. 80A, was received by the P.S. Sunlight Colony regarding the incident of stabbing with a knife. Thereafter, the concerned investigation officials reached the spot and came to know that the injured had already been shifted to the Jeewan Hospital, Delhi.

12. As per the Medico-Legal Case (*hereinafter*, ‘MLC’), the injured was admitted due to injury sustained in a quarrel by stabbing and **FIR No. 400/2020** was registered for the offence under Section 307 of IPC. Thereafter, the patient was referred to the Trauma Center for treatment. The patient was declared brought dead at 11:35 pm and Section 302 was added in the **FIR No. 400/2020**

13. The investigation was conducted, and thereafter, charges for offences punishable under Section 302 of IPC were framed against the Appellant, *vide* order on charge dated 18th November, 2021 passed by the Additional Sessions Judge-02, South East, New Delhi.



14. The allegation of the Prosecution against the Appellant is that he was having an affair with the wife of the deceased, which may have led to the stabbing of the deceased by the Appellant.

15. The evidence which has been considered by the Trial Court, against the Appellant, is the testimony of PW-1, Ms. Renu Verma and PW-2, Ms. Anjana Verma, who are the wife and the sister of the deceased, respectively.

16. The Court has heard the Id Counsel for the parties and has also perused the record, including the MLC, the Emergency Response Team caller details, the DNA report and the Post Mortem Report. The Forensic Science Laboratory (*hereinafter*, 'FSL') Report has also been perused.

17. A conjoint reading of all the reports, as also the evidence on record would show that the Appellant has been convicted on the basis of circumstantial evidence, and the FSL Report does not detect any blood on the knife, allegedly recovered from the Appellant. The DNA Report is also inconclusive.

18. PW-2, the sister of the deceased is alleged to have stated that at the time of the incident, when the deceased returned back home, he stated to her that the Appellant had stabbed him.

19. Apart from this evidence, the forensic and scientific evidence does not connect the Appellant with the death of the deceased. In fact, even at the time of the stabbing, there was no eye witness to the actual act of stabbing.

20. It was only after the stabbing, that the deceased is stated to have run to his house and alleged that the Appellant had stabbed him.

21. Further, a perusal of the latest Nominal Roll of the Appellant reveals that he has suffered more than five years in incarceration and his conduct has been satisfactory.



22. In addition, the affidavit of the criminal antecedents of the Appellant reveals that apart from this case, there are no other criminal antecedents of the Appellant.

23. Under these circumstances, considering that the Appellant has been convicted solely on the basis of circumstantial evidence and that the forensic and scientific evidence does not connect the Appellant with the commission of the offence, this Court is inclined to suspend the sentence of the Appellant.

24. Further, considering the fact that the Appellant has already undergone more than five years of incarceration and that it is unlikely that the appeal would be heard on an early date, the sentence of the Appellant is suspended on the following terms and conditions:-

- i. The Appellant shall furnish a personal bond for a sum of Rs.10,000/-, with a surety of like amount to the satisfaction of the Trial Court/Link Court;
- ii. The Appellant shall provide his live phone number and residential address to the SHO, P.S. Sunlight Colony and regularly update the SHO about the change in address and phone number, if any;
- iii. The S.H.O of P.S. Sunlight Colony or the concerned Investigating Officer shall verify the address and the mobile no. of the Appellant;
- iv. The Appellant shall stay in regular touch with the concerned Investigating Officer.;
- v. The concerned Investigating Officer is at liberty to check upon the Appellant, during the time when he is on interim bail.
- vi. The Appellant shall report to SHO, P. S. Sunlight Colony, on the 1st of every month at 11:00 A.M. and shall be discharged by 12:00 noon,



after recording his presence and completion of all the necessary formalities;

vii. The Appellant shall not indulge in any criminal activity and upon any such activity being discovered or indulged into, the present suspension of sentence shall automatically stand cancelled.

viii. The Appellant shall not leave the country without prior permission of this Court.

ix. The Appellant shall not, directly or indirectly, contact the family members of the deceased.

25. The application is allowed and disposed of in the above terms.

26. A copy of this order be communicated to the concerned Jail Superintendent for necessary information and compliance.

27. Order be uploaded on the website of this Court *forthwith*.

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28. List in due course.

PRATHIBA M. SINGH, J.

VIKAS MAHAJAN, J.

AUGUST 5, 2026/MR/SM