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

+ **BAIL APPLN. 983/2013**

SUNIL KUMAR GUPTA

..... Petitioner

Through: Mr. Sanjay Jain, Mr. Vinay Arora and
Ms. Rushika Bhan, Advocates

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Mukesh Gupta, Additional Public
Prosecutor for Respondent-State with
SI Uma Datt, P.S. Mangol Puri
Mr. Counsel (appearance not given)
for respondent No.2

+ **BAIL APPLN. 984/2013**

SHAILENDER KUMAR GUPTA

..... Petitioner

Through: Mr. Sanjay Jain, Mr. Vinay Arora and
Ms. Rushika Bhan, Advocates

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Mukesh Gupta, Additional Public
Prosecutor for Respondent-State with
SI Uma Datt, P.S. Mangol Puri
Mr. Counsel (appearance not given)
for respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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01.07.2013

Petitioners are the husband and brother-in-law of the deceased, who

are seeking bail in FIR No.72//2011, under Sections 498/304-B/34 of *IPC* registered at P.S. Mangol Puri, Delhi.

The trial of the aforesaid case is at its fag end as out of 17 witnesses, the deposition of 14 witnesses has been already recorded.

At the hearing, petitioner's counsel had pointed out that parents of the deceased have been already recalled for 2nd July, 2013 for their re-examination in respect of certain documents and with the entertaining of prosecution application under Section 319 of *Cr.P.C.*, *de novo* trial would take place. It was urged by learned counsel for petitioners' that petitioners are in custody since February, 2011 and in view of *de novo* trial taking place, the trial of this case would be prolonged by another two years and so. Apart from merits, petitioners seek bail on the ground of *de novo* trial.

Mr. Mukesh Gupta, Additional Public Prosecutor for Respondent-State, submits that parents of the deceased have been already summoned for 2nd July, 2013 and they can be cross-examined by additional accused as well and instead of appreciating the substantial evidence already recorded, it would be appropriate to direct the trial court to complete the recording of the evidence within a period of six months as there is clinching evidence against petitioners and so they do not deserve bail.

Upon hearing both the sides and on cursory perusal the evidence recorded, this Court finds that at the fag end of the trial, instead of appreciating the evidence recorded to consider whether petitioners/accused persons are entitled to bail or not, it would be appropriate to direct the trial court to conclude the recording of the evidence within a period of four months by giving shortest possible dates and to re-examine only those witnesses whom petitioners wish to cross-examine. In case prosecution fails

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to produce the witnesses sought to be cross-examined by petitioners, then petitioners shall be entitled to apply for bail afresh.

With aforesaid directions, both the applications are disposed of. Copy of this order be given *dasti* under the signatures of Court Master to apprise the trial court of this order forthwith.


(SUNIL GAUR)
Judge

JULY 01, 2013

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