

\$~1

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

Date of Decision: April 20, 2015

+ **BAIL APPLN. 202/2015**

SONU Petitioner

Through: Mr Azhar Qayaum and Mr.
Narinder Kumar, Advocates

versus

STATE Respondent

Through: Mr.Navin Sharma, Additional
Public Prosecutor for respondent-
State with SI Ram Singh

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Petitioner is facing trial in FIR No.132/2013 registered at P.S. Ambedkar Nagar, New Delhi for the offence of murder.

Learned counsel for petitioner submits that petitioner is in custody since March, 2013 and the deposition of material witnesses has been already recorded, which does not incriminate petitioner and so, petitioner deserves bail. It is submitted by learned counsel for petitioner that the Presiding Officer of the trial court has retired and the Successor Presiding Officer has not so far joined and so, trial of this case is being unnecessarily prolonged.

Learned Additional Public Prosecutor for State submits that the evidence on record incriminates petitioner and case of petitioner is not at par with the case his co-accused. It is submitted that the recording of the prosecution of evidence is at its fag end as out of 22 witnesses, deposition of 18 witnesses has been already recorded and the matter is now coming up before the trial court tomorrow i.e. on 21st April, 2015.

Learned counsel for petitioner submits that no effective proceedings will be conducted tomorrow as no witness has been summoned for tomorrow due to there being no Presiding Officer in the trial court. During the course of hearing, learned counsel for petitioner seeks to draw the attention of this Court to the deposition of material witnesses to assert that the evidence on record does not incriminate petitioner. Learned Additional Public Prosecutor for State controverts the aforesaid assertion made on behalf of petitioner.

Upon hearing and on a bare glance at the deposition of the witnesses already recorded, this Court finds that when the case is at the advanced stage of recording of prosecution evidence, the evidence on record is not required to be pre-judged. Piecemeal appreciation of evidence amidst trial is not considered to be feasible as the recording of the prosecution evidence is at its fag end. Due to non-availability of the Presiding Officer of the trial court, petitioner cannot be granted bail.

The District & Sessions Judge (South) is directed to transfer the trial of this case to an Additional Sessions Judge so that the trial of this case is expedited and concluded at an early date. Let the court to which the trial of this FIR case is assigned make all endeavours to conclude the trial of this case within a period of three months from the date so fixed for

recording of evidence. The concerned District & Sessions Judge (South) be apprised of this judgment forthwith.

While refraining to comment upon merits of this case, this petition is disposed of with aforesaid directions.

(SUNIL GAUR)
JUDGE

APRIL 20, 2015
S