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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 707/2015**

Date of Decision : September 17th, 2015

VIKAS

..... Petitioner

Through: Mr.Ramesh Gupta, Sr.Adv. with
Mr.S.P.Kaushal and Mr.P.S.Bindra,
Adv.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Ms.Manjeet Arya, APP for the State.
Mr.Navin Sharma, Adv. for the
Complainant.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

P.S.TEJI, J.

1. The present application has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1908 for the grant of bail in FIR No.115/2013, Police Station Fatehpur Beri, under Sections 304-B and 498A read with Section 34 of the Indian Penal Code.
2. The allegations levelled against the accused are that the complainant, namely, Karan Singh made the statement to the police that the marriage of his daughter Poonam was solemnized with the petitioner on 11.02.2012. Since marriage, his daughter was being

harassed on account of dowry by the petitioner and his mother Geeta. Poonam was residing in her parental house for the last four months. On 14.04.2013, petitioner and his relative took Poonam back to her matrimonial home. Poonam used to inform her parents about the dowry demands made by the petitioner and his mother and also that she was being beaten by them. On 14.05.2013 at about 6.19 p.m., the complainant received a call on his mobile phone and the caller informed that Poonam was not opening the door. Immediately thereafter, the complainant reached the matrimonial home of Poonam and found the dead body of Poonam hanging in the bathroom. The complainant raised suspicion that his daughter was killed and hanged by the petitioner Vikas and his mother Geeta.

3. On the basis of statement of the complainant, FIR of the present case was registered and after investigation, charge sheet was filed in the Court.

4. The argument advanced by the counsel for the petitioner is that the petitioner is in incarceration since 16.05.2013. Since all the family members of the deceased have already been examined, there is no chance of influencing the public witnesses. It is further argued

that the allegations against the petitioner and co-accused Geeta are identical and the co-accused has already been released on bail. It is further submitted that the trial is likely to take long time and no purpose would be served in keeping the petitioner behind the bars for an indefinite period.

5. In support of the arguments, counsel for the petitioner relied upon judgment in case *Aman Gaur v. State, 2012 (1) JCC 415* in which it was observed that the incarceration of the petitioner was causing deprivation of his legal defence, which a person who is at liberty can conduct in a much better manner. Next judgment relied upon is in case of *Sumer Singh (Sh.) v. State, 2008 I AD (Cr.) (DHC) 1* in which the petitioner was granted bail while observing that where the prosecution case appears to be weakening, justifying grant of bail, limited exercise of prima facie evaluating the evidence can be carried out by the Court.

6. In the present case, the first bail application of the petitioner was dismissed by the Trial Court on 03.12.2014 and the second on 08.04.2015. It is a matter of record that the trial of the case is still continuing. There is no force in the ground taken by the petitioner

that since the co-accused has already been granted bail, he also be granted bail. Being the husband of the deceased wife, the responsibility of the petitioner was on a higher pedestal as compared to the other accused, to maintain his wife well, but as per the allegations levelled against him and co-accused, an atmosphere was so created by their acts that it eventually led to the death of the wife of the petitioner.

7. So far as the other ground regarding period of incarceration of the petitioner is concerned, the mere fact that the petitioner has undergone a certain period of incarceration by itself would not entitle him to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future by itself would be sufficient for enlarging the petitioner on bail, keeping in view the gravity of offence. This view gets strength from ***Rajesh Ranjan Yadav alias PapuYadav v. CBI through its Director, AIR 2007 SC 451.*** Therefore, the petitioner cannot get any assistance from the judgments in case of ***Aman Gaur*** (supra) and ***Sumer Singh*** (supra) as the facts and circumstances of the present case are distinguishable.

8. In view of above mentioned facts and circumstances, no ground

is made out to enlarge the petitioner on bail.

9. Application is accordingly dismissed. However, the Trial Court is directed to expedite the trial and conclude the trial preferably within a period of six months.

P.S.TEJI, J

SEPTEMBER 17, 2015
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