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

Date of Decision: May 01, 2015

+ BAIL APPLN. 845/2015

DINESH KUMAR MITTAL Petitioner
Through: Mr. Deepak Anand and Mr. Vineet
Kumar, Advocates
versus

STATE Respondent
Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State
Mr. Vibhor Garg, Mr. Sumit
Kumar Mishra, Mr. Irshan Kakar,
Advocates for complainant

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Crl.M.A.6565/2015 (Exemption)

Allowed subject to all just exceptions.

BAIL APPLN. 845/2015

Petitioner is facing trial for murder charge in FIR No.152/2008 registered at P.S. Kalkaji, New Delhi. Regular bail is sought by petitioner in this application on the ground that petitioner is innocent and in custody since 13th April, 2008. Reliance is placed upon Apex Court's decision in *Surinder Singh @ Shingara Singh v. State of Punjab* (2005) 7 SCC 387.

Upon notice, learned Additional Public Prosecutor for respondent-

State, who is assisted by learned counsel for complainant, submits that after recalling of the witnesses, now the case is at the stage of final arguments and the matter is coming up before the trial court on 14th May, 2015.

Learned counsel for petitioner submits that final arguments would be positively addressed before the trial court on the date fixed, but there are five other co-accused persons and it cannot be ensured that they would also address arguments before the trial court on the date fixed.

Since the trial of the case in hand is at fag end, therefore, this Court is not inclined to consider the case of merits for the grant of bail. However, considering that petitioner is in custody for the last more than seven years, it is deemed appropriate to direct the trial court to hear the final arguments on day-to-day basis so far as possible and to afford two effective opportunities only to the co-accused persons of this FIR case to address oral arguments. However, the co-accused persons of the FIR in question would be at liberty to file their written arguments with case laws, if any, before trial court within a week of conclusion of the final arguments.

Let trial court make all endeavours to reserve the orders within four weeks and render the verdict soon thereafter.

With these observations, this application is disposed of. Trial court be apprised of this order forthwith.

(SUNIL GAUR)
JUDGE

MAY 01, 2015

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