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

+ **BAIL APPLN. 1042/2015**

SUMIT KUMAR

..... Petitioner

Through Mr.Joginder Tuli, Mr.Ashu Kr.
Sharma & Ms. Pooja Arora, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through Mr. Lovkesh Sawhney, APP.
Insp.Ramesh Kalsan, SHO Jyoti
Nagar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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01.07.2015

The petitioner has prayed for bail in a case instituted under Section 364A/302/201/34 of the IPC read with Sections 25/27 of the Arms Act vide FIR No.502/2010 (police station Jyoti Nagar.)

Learned counsel for the petitioner submits that he has remained in custody for about 4 years and 7 months and the trial has not yet been completed. He further submits that he is not the main accused in the case and has been only attributed with the allegations of threatening the deceased and the another co-accused who had an affair with the deceased.

Learned counsel for the petitioner further pointed out the order dated 03.04.2014 when his prayer for bail was being considered in this court. The prayer for bail of the petitioner was rejected after taking into account that only 4 witnesses had remained to be

examined and that the trial would be concluded soon. On the strength of such a submission by the State, this court observed that if for some reason, the time schedule of two months would not be adhered to by the Trial Court for concluding the case, the petitioner would be at liberty to renew his prayer for bail thereafter.

The petitioner states that after the order dated 03.02.2014, only one witness has been examined after a gap of more than a year. He submits that it is deliberate ploy of the prosecution to keep him behind the bars for an indefinite period.

Learned counsel for the State, on the other hand, submits that the petitioner is an accused in a very serious case where a woman who was about to be married, was taken away from her home and done to death in most brutal manner. He further submits that apart from the petitioner disclosing his guilt, he has been named by his co-accused also.

Without going into the rival contentions of the parties, what strikes the attention of the court is that despite the assertions of the State to have the trial concluded within the scheduled time of two months, no positive steps were taken by the prosecution to get all the witnesses examined in order to conclude the trial. It is the duty of the State to expeditiously conclude the proceedings in a criminal case.

However, considering the gravity of the offence and the stage of the trial, this court is not inclined to grant bail to the petitioner.

However, learned Trial Court is directed to be cautious in adjourning the matter on any frivolous ground and continue the proceedings on a day to day basis. Latches on the part of the

prosecution in assisting the court for early conclusion of the case would be viewed very seriously.

In case the trial is not concluded within a period of 6 months from the date of production /communication of this order to the court below, the petitioner would be at liberty to approach this court again for grant of bail.

With such observations, this application is disposed of.

ASHUTOSH KUMAR, J

JULY 01, 2015

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