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

+ **BAIL APPLN. 865/2016**

KADAM SINGH

..... Petitioner

Through: Mr. Prashant Manchanda, Nitika
Kohli and Asif Zamir, Adv.

versus

STATE OF GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Mukesh Kumar, APP
Mr. B.P. Singh Dhakray and Mr.
Shakti Singh Dhakray, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
29.03.2017

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The present bail application seeking regular bail in case FIR No. 654/2015 dated 15.10.2015 under Section 304-B/498A/34 IPC registered at police station Adarsh Nagar, is pending consideration of this Court since April, 2016. The petitioner is in judicial custody since 15.10.2015. He is a senior citizen and states that he has undergone Percutaneous Transluminal Coronary Angioplasty (PTCA) + Stenting to LAD and Plain Old Balloon Angioplasty (POBA) to D1 from Maharaja Agrasen Hospital. He has also undergone Coronary Artery Bypass Graft (CABG). The doctors at the time of discharge diagnosed the applicant with

Hypertension, coronary artery disease (CAD) and Left Ventricular Dysfunction (LVD). The petitioner is the father-in-law of the deceased. During the pendency of this application, the evidence of the independent witnesses stands recorded and the only witnesses whose evidence remain to be recorded are Ram Kumar and Sureshwati, uncle and mother of the deceased, respectively.

Learned counsel for the petitioner has submitted that there is no justification to detain the petitioner in judicial custody, at this stage, since there is no possibility of the petitioner, in any event, being able to influence the remaining witnesses to be examined as they are close relatives of the deceased. The petitioner has also claimed that the deceased had suicidal tendencies. Other submissions have also been advanced on merits of the case.

It would not be appropriate for this Court, at this stage, to dwell upon the merits of the case as that is an aspect with which the trial court is seized. The petitioner, who is a senior citizen (65 years old) and a heart patient has been in custody since 15.10.2015. The purpose of detaining him in judicial custody during the trial has been achieved, inasmuch, as the substantial evidence in the case already stands recorded and there is hardly any possibility of the petitioner approaching or seeking to influence any of the prosecution witnesses. Consequently, the application is allowed. The petitioner is directed to be released on bail upon his furnishing personal bond in the sum of Rs. 30,000/- with one surety in the like amount to the satisfaction of the trial court. This is further subject to the conditions that;

- (i) he shall provide his mobile number at the time of his release to the Trial Court, which shall be kept in working condition at all times and

shall not be changed without prior intimation to the Court;

- (ii) he shall not try to influence the witnesses or tamper with the evidence;
- (iii) he shall not leave the country without prior permission of the Court;
and
- (iv) he shall attend each and every date of hearing in the case and shall not take any undue adjournments in the case or cause obstruction in the progress of the case.

The bail application stands disposed of.

Dasti.

VIPIN SANGHI, J

MARCH 29, 2017

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