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

+ **BAIL APPLN. 1995/2016**

SUMIT KUMAR

..... Petitioner

Through: Mr.Rajpal Kasana, Adv. with
Mr.Shaheen Sheikh and Ms.Harshita
Singh, Advs.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms.Kusum Dhalla, APP for State
SI Ajay Singh, PS-New Friends
Colony

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **28.02.2017**

This is an application under Section 439 Cr.P.C. filed on behalf of the petitioner seeking grant of regular bail in case FIR No.466/2014, under Sections 498-A/304-B/34 IPC, registered at Police Station-New Friends Colony, Delhi.

Learned counsel for the petitioner submits that the petitioner is an innocent person and allegations alleged in FIR No. 466/2014, under Sections 498-A/304-B/34 IPC, registered at Police Station- New Friends Colony, Delhi is false. He further submits that the deceased was the wife of the petitioner who committed suicide on 24.10.2014. He further submits that due to misunderstanding between the two families, the aforesaid FIR has been registered and the petitioner-husband is in judicial custody since 24.10.2014.

He further submits that all the material witnesses have been examined by the prosecution. He further submits that there is no emerging factor coming on record as an evidence to connect the commission of offence by the petitioner except the clause of presumption. He has submitted that the statement of PW-1 Sh. Ved Prakash, who is father of the deceased is not reliable as during his cross-examination he deposed that his daughter i.e. deceased had never told him about any of the incidents or acts of cruelty faced by her at her husband's house. He has further submitted that PW-1 in his cross-examination has admitted that in the evening of festival of Diwali his deceased daughter had called him and was sounding happy. He has further submitted that PW-2 Sh. Sudhir Kumar who is the brother of the deceased also deposed in his cross-examination that the deceased never told him anything directly about any of the torture incidents. He has submitted that PW-4 Sh. Chakardhar Prusty has not deposed anything qua against the present petitioner. Counsel for the petitioner further submits that the remaining witnesses proposed to be examined by the prosecution are formal in nature submits that the trial is not likely to conclude in near future and the continued incarceration of the petitioner will not serve any purpose and prays that the petitioner be released on regular bail.

On the other hand, learned APP for the State has vehemently opposed the bail application and has submitted that the allegations levelled against the petitioner are very serious in nature. She has further submitted that the deceased died at her matrimonial house within one year of marriage. She has further submitted that the merit of the case/evidence adduced should not be seen at this stage as it may prejudice the outcome of the final judgment.

At this stage, it is submitted by learned counsel for the petitioner that the remaining witnesses proposed to be examined by the prosecution are formal in nature. He further submits that he shall withdraw the present bail application and the Trial Court be directed to proceed with the matter expeditiously.

In view of the statement made by counsel for the petitioner, the present bail application is dismissed as withdrawn with a direction to the Court below to proceed with the matter expeditiously, if possible within 2 months, in accordance with law.

The present bail application is disposed of accordingly.

Copy of this order be given dasti.

I.S.MEHTA, J

FEBRUARY 28, 2017/radhika