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

+ **BAIL APPLN. 1485/2017**

**SANJAY LAL**

..... Petitioner

Through: **Mr.Umesh Sharma, Advocate**

versus

**STATE GOVT OF NCT OF DELHI & ANR.**

..... Respondents

Through: **Mr.Kewal Singh Ahuja, APP for the  
State with Inspector Jagdish Yadav  
PS Mandawali**

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

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**01.08.2017**

**CRL.M.A.12295/2017**

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

**BAIL APPLN. 1485/2017**

1. By way of this application filed under Section 439 Cr.P.C., the petitioner is seeking bail in case FIR No. 0008/2017, under Sections 302/498 IPC, registered at PS Mandawali Fazalpur, Delhi.

2. Notice. Mr.Kewal Singh Ahuja, APP for the State accepts notice and informs that the case has been committed to the Court of Sessions and assigned to Ms.Ravinder Bedi, ASJ, East District, Karkardooma Courts, Delhi.

3. The petitioner is aggrieved by the order dated 19<sup>th</sup> July, 2017 whereby the learned ASJ disposed of the application for the following reasons:-

*“Bail Application No.1297/17  
State Vs. Sanjay Lal  
FIR No.0009/17  
U/s 302/201/304B/498A/34 IPC  
PS Mandawali  
19.07.2017*

*Present: Sh.S.K.Raghuvanshi, ld. Addl.PP for the State  
Sh. Umesh Sharma, Sh.Ajay Kumar and  
Sh.Anirudh Pandey, Ld.counsels for  
applicant/accused Sanjay Lal. Insp.A.P.Singh on  
behalf of IO.*

*This is 3<sup>rd</sup> application u/s 439 Cr.P.C. moved on behalf  
of applicant/accused Sanjay Lal.*

*It has been replied on behalf of IO that charge-sheet has  
already been filed on 28.06.2017 and the accused persons  
along with applicant have already received copy of  
chargesheet as well as E-challan. The formal order of  
committal is to be passed by ld.MM. The date fixed before  
ld.MM is stated to be 25.07.2017. In any case, this Court  
cannot fix the next date thereby calling the charge-sheet of the  
case prior to 25.07.2017. After committal of the case, it has to  
go before a Sessions Court, which shall be the trial Court.*

*In these circumstances, it would be appropriate for the  
applicant to approach the same Sessions Court with his bail  
application. Application is disposed off accordingly. Copy of  
order be given dasti to both the parties.*

*Sd/-  
Special Judge (PC Act) CBI, East KKD  
Delhi/19.07.2017”*

4. The grievance of the petitioner is that the learned ASJ was competent to grant or decline bail and if charge-sheet was required for consideration of the bail application, either it should have been requisitioned from the Court of learned Metropolitan Magistrate or on the basis of status report application seeking bail could have been allowed or dismissed but learned ASJ has preferred to dispose of the application on the ground that case was yet to be committed to the Court of Sessions.

5. The grievance of the petitioner is justified to the extent that merely because the case was yet to be committed to the Court of Sessions, that itself was no ground to dispose of the application.

6. Learned counsel for the petitioner submits that the bail application of the petitioner has not been disposed of on merits till date but he was constrained to approach this Court as the bail application was disposed of which left the petitioner confused about the fate of application. Since the charge-sheet has been filed and the case also stands committed to the Court of Sessions as informed by learned APP for the State, learned counsel for the petitioner seeks permission to withdraw this application with liberty to file appropriate application before the Court of Sessions.

7. The application is dismissed as withdrawn with liberty to the petitioner to avail his remedy before the learned trial Court.

**PRATIBHA RANI, J.**

**AUGUST 01, 2017**

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