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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2309/2017**

SONIYA @ SONU Petitioner
Through: Mr.Subhash C. Datt, Advocate

versus

STATE (GOVT OF NCT,DELHI) Respondent
Through: Mr. Ashish Dutta, APP for State with
SI Shri Gopal, PS Shakar Pur.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **14.12.2017**

The status report has been received.

A copy of the testimony of the complainant/witness Deepak Devnath examined as PW-4 has been submitted by the Investigating Agency which indicates that the witness has turned hostile before the learned Trial Court.

It has been submitted on behalf of the applicant that the applicant is in custody for the last four years and the present application has been filed pursuant to the proceedings dated 29.9.2015 whereby whilst rejecting the application filed by the applicant seeking grant of bail, liberty has been granted to the petitioner to seek redressal, if PW-3 did not support the prosecution's case. PW-3 is stated to be Annu, wife of the deceased in relation to whom it has been submitted through the application that she has not been produced and is not traceable which is also so stated on behalf of the State. However, it is further submitted on behalf of the applicant that the

applicant is incarcerated for a period of four years now and of the total of 26 prosecution witnesses only 12 witnesses have been examined and the trial would take time.

On behalf of the State, the application has been vehemently opposed submitting *inter alia* to the effect that the applicant had assaulted the deceased with a knife and the weapon of offence is stated to have been allegedly recovered at his instance; that the applicant has no permanent address and the father of the applicant has been absconding; that the wife of the deceased is yet to be examined and that there are other witnesses also that remain to be examined. It has also been further stated by the State that apart from the said FSL report the DNA unit Analysis report indicates that the blood of the deceased has been found recovered on the knife and the pant of the accused.

In view of the circumstances, that have been put forth by the prosecution, taking into account the said FSL result, presently there is no ground for grant of bail. However, nothing stated herein shall influence the merits or demerits of trial of the case.

Since it has been submitted that the applicant is in custody for four years now, the learned trial Court shall make all endeavour to conclude the trial within a period of six months from the date of the receipt of the copy of this order.

The Bail Appln. No.2309/2017 is dismissed.

ANU MALHOTRA, J

DECEMBER 14, 2017/sv