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

+ CRL.M.C. 190/2018

VIRENDER SINGH

..... Petitioner

Through: Mr. Pradeep Khatri and Mr. Pranay
Garg, Advocates

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State
Mr. D.S. Kohli and Mr. Harvinder Singh,
Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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24.09.2018

The second respondent is facing trial on the charge, *inter alia*, for the offence punishable under Section 302 of the Indian Penal Code, 1860 (IPC) in the Sessions case arising out of FIR no.1550/2015 of police station Narela. The case involves homicidal death of Yogender Singh, the petitioner being his brother. The second respondent was arrested on 09.12.2015 after the charge-sheet had been filed. The application of the second respondent for release on bail was considered and allowed by the court of Sessions by order dated 02.11.2017, she being enlarged on bail pending trial. It appears from the copy of the said order, which is challenged under Section 439(2) of the Code of Criminal Procedure, 1973 by the petition at

hand that the case is based on circumstantial evidence, the circumstance including the last seen evidence and evidence to the effect that the vehicle registered in the name of the second accused was used for transportation of the dead body besides recovery of a pillow which is stated to have been used for smothering the victim to death.

It is noted that the second respondent had remained in custody for more than 23 months when she was enlarged on bail taking note of the fact that case is founded on circumstantial evidence and further that she is a widowed person with a minor daughter aged about 9 years to take care of.

Having regard to the above mentioned circumstantial evidence, the prayer for cancellation of bail only on the ground of gravity of the offence involved does not deserve to be accepted. The petition is dismissed.

R.K.GAUBA, J.

SEPTEMBER 24, 2018

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