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

+ CRL.M.C. 1328/2016

MOHD. KHALID

..... Petitioner

Through: Mr. Prince Bhardwaj, proxy counsel.

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr. Akshai Malik, APP for State with
SI Bhagwan Singh, PS, Jamia Nagar.
Ms. Nusrat Hossain, Mr. Manish
Kumar Singh and Mr. Ishan Tewari,
Advts. for R-2 to R-7.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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10.08.2018

This petition invoking the jurisdiction of this court under Section 439 (2) read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) praying for cancellation of the bail orders granted in favour of second to seventh respondents was filed in April, 2016 and has been pending ever since. No interest in expeditious disposal of the prayer has been taken till date.

The proxy counsel for the petitioner, who is present in court, seeks an adjournment on the ground that the main counsel is not available as he is pre-occupied in domestic affairs. This is no reason why the application shall remain pending.

The bail orders were granted by the court of Sessions on applications of second to seventh respondents on 22.09.2015 in relation to FIR No.

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1357/2015 of police station Jamia Nagar statedly involving offences punishable under Sections 323/365/336/342/506/34/308 of the Indian Penal Code, 1860 (IPC), the petitioner herein being one of the victims of the said crimes, the FIR having been registered on the basis of his statement. Though initially the FIR would not include the offence under Section 308 IPC, it was added later for investigation of the case. The Additional Sessions Judge called for the report of the investigating officer. There was no prayer on behalf of investigating agency for the need for any custodial interrogation, at that stage.

It is submitted by learned Additional Public Prosecutor, on the instructions of SI Bhagwan Singh, that investigation has since been concluded and the report under Section 173 Code of Criminal Procedure, 1973 (Cr.PC) has been prepared and it is to be submitted in the court of jurisdictional magistrate latest by 14.08.2018.

Since the orders with which the petitioner is aggrieved were for releasing the second to seventh respondents on anticipatory bail, it would be appropriate that the contentions of the petitioner in their respect are reserved to be agitated before the trial court at the time of consideration of the applications of the said accused persons for their release on regular bail. It is directed that the anticipatory bail orders will inure to the benefit to the second to seventh respondents till the date of the their first appearance in the event of the jurisdictional Magistrate taking cognizance and issuing process against them.

The petition is disposed of with these observations.

R.K.GAUBA, J.

AUGUST 10, 2018/uj
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