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

+ **BAIL APPLN. 1052/2018**

SHEHZAD

..... Petitioner

Represented by: Mr.N.K.Sharma and Ms.Vipasha
Sharma, Advocates

versus

THE STATE OF NCT OF DELHI

..... Respondent

Represented by: Mr.Ashok Kumar Garg, APP for the
State with SI Shailendra Kumar
Singh, PS Gokul Puri

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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09.10.2018

1. By this petition, the petitioner seeks bail in case FIR No.273/2010 under Sections 302/364A/363/201/34 IPC registered at PS Gokul Puri. The investigation in the said case was set into motion after a complaint was lodged by Mohd.Irfan stating that his son Mohd.Aman aged 3 years was missing from his house at 4:00 PM on 16th August, 2010 on which FIR No.273/2010 under Section 363 IPC was registered.

2. On the same day, the complainant received a call on his mobile at 8:20 PM wherein he heard voice of his son 'papa aa jao mujhe le jao' whereafter phone got disconnected. The phone call was purportedly received from a PCO/STD booth and the operator of the booth informed that a child was accompanied by two young persons aged 20 to 22 years had

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come to the booth. He also identified the photo of the child. Again a ransom call was received on 21st August, 2010 and 24th August, 2010. Shehzad the petitioner herein and Haseen @ Hasenuddin were arrested. In the meantime, recovery of a dead body of a child was made on 17th August, 2010 near Aligarh UP. One mobile phone with instrument IMEI No.355722025038280 was recovered from the possession of the petitioner and the other mobile phone from possession of Haseen @ Hasenuddin at the time of arrest.

3. Grievance of the petitioner is that the petitioner is in custody since 24th August, 2010 and till date the trial has not concluded and only 15 out of 36 prosecution witnesses have been examined. This Court called for a detailed report from the learned Trial Court explaining the reasons for delay in conducting the trial. A report was received wherein the events on substantial dates were mentioned however this Court deemed it fit to call for the Trial Court Record.

4. A perusal of the Trial Court Record reveals that on as many as 27 dates, the trial had to be adjourned for the reason the learned Presiding Officer was on leave out of which on four dates the learned Presiding Officer was on training/orientation program and on one date advocates were also on strike. Further on 17 dates matter had to be adjourned as counsel for one of the accused was not available. However, considering the fact that the petitioner is in custody since 24th August, 2010, the learned Trial Court ought to have made efforts to expedite the trial.

5. Though in view of the allegations against the petitioner at this stage this Court is not inclined to grant bail however it is a fit case for issuing

directions to the learned Trial Court to expedite the trial. It is therefore directed that the learned Trial Court would expedite the trial in the case and conduct the same preferably on day-to-day basis and conclude the same within 6 months from the next date before the Trial Court i.e. 23rd October, 2018 as stated by learned counsel for the petitioner.

6. Bail Application is disposed of with liberty to the petitioner to file fresh bail application in case the trial is not concluded within six months as directed.

7. Trial Court Record be sent back forthwith by a special messenger to the learned Trial Court.

8. Order dasti.

MUKTA GUPTA, J.

OCTOBER 09, 2018
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