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

+ **CRL.M.C. 2434/2016**

RAJ KUMAR

..... Petitioner

Through: Mr. Krishan N. Rana with Mr. Ashok Kumar Verma, Mr. Ajay Singh, Mr. Salauddin, Advocates along with petitioner in person.

versus

THE STATE GOVT OF NCT OF DELHI & ORS. ... Respondents

Through: Mr. Ashish Dutta, APP for State with Insp. Rita, DIU/ East.
Mr. Suyash Rawat with Ms. Priti Verma, Advocates for R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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10.10.2018

The order dated 21.06.2016 of the court of sessions passed on bail application no.3781 in the context of FIR No.125/2016 of Police Station Preet Vihar was on the assumption that the case of death of Sunita on the intervening night of 14.04.2016 and 15.04.2016 was a case involving offences punishable under Sections 498A/304B/34 of Indian Penal Code, 1860 (IPC) only. The petition at hand challenges the said order seeking its cancellation invoking the jurisdiction of this Court under Section 439(2) read with Section 482 of Code of Criminal Procedure, 1973 (Cr.P.C.).

At the hearing it is brought out that pursuant to directions in the order dated 11.04.2017 of this Court on W.P. (Crl.) No.162/2017 of the petitioner, the investigation into the offence under Section 302 IPC has already been

undertaken, such probe being still incomplete. The investigating agency hopes to conclude the investigation and file its final report under Section 173 Cr.P.C. in near future.

In the event of evidence being gathered showing involvement of the second and third respondents in the offence under Section 302 IPC, the order dated 21.06.2016 releasing them on bail for the offences under Section 498A/304B/34 IPC would be rendered of no effect.

The learned counsel for the petitioner at this stage, on instructions, seeks permission to withdraw the present petition reserving his right to oppose the regular bail after the report under Section 173 Cr.P.C. has been submitted.

The petition stands dismissed as withdrawn.

R.K.GAUBA, J.

OCTOBER 10, 2018

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