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

% Judgment delivered on: 22.05.2019

+ BAIL APPLN. 597/2019

MAHESH @ BANTY

..... Petitioner

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Ms.Jyoti Batra, Adv.

For the Respondent : Ms.Kusum Dhalla, Addl. PP for the State with
Insp.Anupam Bhushan, P.S.Bawana.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.419/2015 under Section 304B/498A/406/34 IPC, Police Station Bawana.
2. Petitioner is the husband of the deceased and the co accused are already enlarged on bail. Petitioner has been in custody since 07.06.2015.
3. Learned counsel for the petitioner submits that the progress of the trial is being delayed substantially and despite several opportunities, the Investigating Officer, Inspector Madan Lal has not appeared for completing his testimony.

4. Learned counsel submits that the Trial Court had fixed the date 13.12.2018 for recording the testimony of the IO, however, on the said date he was not present. Case was adjourned to 13.02.2019 when though he was present but was discharged unexamined. Thereafter the matter was fixed for 14.02.2019 when the IO was not present and had sent a request for adjournment, which was declined and bailable warrants to secure the presence of the IO was issued, returnable for 05.04.2019.

5. Learned counsel submits that on 05.04.2019, on an application filed by the petitioner, matted was adjourned to 08.04.2019 *inter-alia* for examining the IO as well, however, on 08.04.2019 the IO was once again not present and case was adjourned to 13.05.2019. Learned counsel submits that on 13.05.2019 request for adjournment was made on the premise that he was busy in election duty. Learned counsel submits that elections in Delhi were held on 12.05.2019. Case was adjourned to 14.05.2019 when the IO appeared but stated that he was not well and as such his deposition could not be recorded and the matter now stands adjourned to 09.08.2019 for his evidence.

6. Learned counsel submits that the progress of the case has been substantially delayed and petitioner has already suffered incarceration of more than 3½ years.

7. Without commenting on the merits of the case and keeping in view the fact that the petitioner has already suffered incarceration of

over 3½ years and the statement of the IO has not been completed for over 8 months, I am inclined to enlarge the petitioner on regular bail.

8. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, the petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.

9. Petition is allowed in the above terms.

10. Order *Dasti* under signatures of the Court Master.

MAY 22, 2019

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SANJEEV SACHDEVA, J