

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Judgment delivered on: 09.12.2019

+ **BAIL APPLN. 2358/2019**

Amarjeet @ Bhola

..... Petitioner

Through: Mr. R K Yadav, K S Verma and
Mr. Harsh Saidka, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr. Tarang Srivastava,
APP for State along with
ASI Ram Lal, PS Chawla.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J.(oral)

1. Vide this order I shall dispose of a bail application filed u/s. 439 CrPC by the petitioner **Amarjeet @ Bhola** in FIR No. 423/2017 u/s. 498-A/304-B/302/34 IPC, P.S. Kapashera (South-West).

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. It is submitted that PW-4 and PW-6 have not supported the prosecution version. PW-6, who is the care-taker has submitted that he had gone to the house of the deceased on the day of alleged incident at about 9 PM and at that time petitioner was not present there. Ld. Counsel further

submitted that all material witnesses have already examined and there are many contradictions and improvements in the statement of the witnesses. It is submitted that petitioner is in jail since 13.10.2017 i.e. for the last two years and two months and in the interest of justice, he may be released on bail.

3. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. He has drawn the attention of the Court to the statement of PW-1 Smt. Sampati Devi @ Gopi and PW-2 Jogender Prasad and prayed for dismissal of the bail application.

4. I have considered the rival submissions. I do not intend to analyze the evidence at the stage of bail but during the arguments Ld. Counsel for the petitioner has compelled me to go through the evidence and analyze the same. Perusal of the statement of PW-1 Smt. Sampati Devi @ Gopi reveals that she has specifically deposed that petitioner Amarjeet used to harass and torture the deceased on account of dowry. PW-2 Jogender Prasad, who is the father of the deceased has specifically deposed that petitioner used to quarrel and beat his daughter on account of insufficiency of dowry. He submitted that prior to 7-8 days of death of his daughter, she had made a telephonic call to

him in the night and told him that her husband is vacating the tenanted room. She has cooked meal (rotti and bhujia) but petitioner has not taken the dinner and is stating that he would kill her. She further stated that she might be killed in the said night by petitioner Amarjeet.

5. In view of above facts appearing on record as well as specific allegations of cruelty and harassment for demand of dowry leveled against the petitioner, no grounds for grant of bail to the petitioner are made out at this stage. The bail application is, therefore, dismissed. However, it is made clear that observations made herein will not tantamount to expression of opinion on the merits of the case.

DECEMBER 09, 2019

Amit

BRIJESH SETHI, J