

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

Date of Order: February 07, 2019

+ **CRL.M.C. 1088/2017**

SURABHI CHAUDHARY

.....Petitioner

Through: Ms. Saahila Lamba, Mr. Tarun
Khanna and Mr. Abhas Mishra,
Advocates

versus

STATE & ORS.

.....Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State
with SI Inder Pal
Mr. Harsh Ahuja, Advocate for
respondents No.3 to 5

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Impugned order of 25th November, 2016 grants regular bail to respondent Nos. 3 to 5/accused in FIR No. 346/15, under Sections 498A/406/34 of IPC registered at Police Station Vikas Puri. A bare perusal of impugned order of 25th November, 2016 reveals that in the absence of learned Additional Public Prosecutor for the State and the complainant, impugned order has been passed. It is quite strange that without hearing the Public Prosecutor, regular bail has been granted to respondent Nos. 3 to 5/accused.

In the peculiarity of this case, the trial court is called upon to pass a fresh order on the bail application of the respondent Nos. 3 to 5/accused, after hearing learned Additional Public Prosecutor for the State and counsel for the complainant party. Let it be so done within a period of twelve weeks from today and till then, the impugned order shall operate.

Accordingly, this petition is disposed of while not commenting on the merits of the case.

Dasti.

FEBRUARY 07, 2019

v

**(SUNIL GAUR)
JUDGE**

भारतमेव जयते