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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3885/2016

HITESHI KALRA

..... Petitioner

Through: Mr. Jatin Sehgal with Ms. Devna Soni, Mr. Ashish Garg and Mr. Shivanshish Dwivedi, Advocates.

versus

STATE & ANR.

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP for the State with SI Satyavir Singh, P.S. Patel Nagar.
Mr. Bharat Dubey and Ms. Shubhlaxmi Dubey, Advocates for R-2.

+ CRL.M.C. 3889/2016

HITESHI KALRA

..... Petitioner

Through: Mr. Jatin Sehgal with Ms. Devna Soni, Mr. Ashish Garg and Mr. Shivanshish Dwivedi, Advocates.

versus

STATE AND ANR.

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP for the State with SI Satyavir Singh, P.S. Patel Nagar.
Mr. Bharat Dubey and Ms. Shubhlaxmi Dubey, Advocates for R-2.

CRL.M.C. 3885/2016 & Conntd. Matter

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Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **24.04.2019**

After some hearing, it has been fairly conceded both by the petitioner and the second respondent, the learned Additional Public Prosecutor for State joining the parties in the submissions that are recorded hereinafter, that the challenge to the anticipatory bail orders in favour of the second respondents in these petitions by invoking the jurisdiction of this Court under section 439(2) of the Code of Criminal Procedure, 1973 (Cr.P.C.) has been rendered infructuous inasmuch as the investigation into the First Information Report No.418/2016 of Police Station Patel Nagar involving offences under Sections 498A, 307 and 34 of Indian Penal Code, 1860 has been concluded and a report (chargesheet) under Section 173 Cr.P.C. already filed before the jurisdictional Magistrate on 14.08.2017 upon which cognizance was also taken by the Magistrate on 16.08.2017, this being followed by submission of supplementary chargesheet on 23.05.2018 which has since been tagged with the main chargesheet, the case being pending before the Magistrate Court at pre-committal stage.

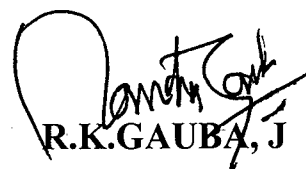
It has been agreed by all sides that the impugned orders granting anticipatory bail to the second respondents may presently continue to operate without prejudice to the respective contentions of the petitioner and, of the second respondents, till the case reaches the Court of Sessions after committal. Once the case is brought before the Court of Sessions, the

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second respondents will be obliged to move applications for release on regular bail, which will be considered by the Court of Sessions in the light of facts and circumstances of the case, after hearing all sides which include the petitioner, she being the complainant, she having some reservations as to the fairness of the investigating process. The impugned orders shall inure to the benefit of the second respondents till the Court of Sessions takes a decision on the applications for regular bail. It may be added here that the Court of Sessions while deciding the said applications for regular bail will not feel bound or be influenced by any expression of opinion recorded in the impugned orders whereby anticipatory bail was granted. Further, the withdrawal of these petitions under Sections 439(2) Cr.P.C. by the petitioner, or the concession given by the second respondents to such arrangement as above, shall not be treated as reflective of any opinion of this Court on the merits of the relevant contentions.

The stay granted earlier in these proceedings stands vacated. It is hoped and expected that all parties shall fully co-operate with the process before the concerned criminal Court not only at the stage of committal but also before the Court of Sessions in the proceedings that are to follow so that the case reaches adjudication expeditiously.

The petitions are disposed of in above terms.


R.K. GAUBA, J

APRIL 24, 2019

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