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

+ **BAIL APPLN. 461/2020**

PADAM BAHADUR KHADKA

..... Petitioner

Through Mr. Vijay Garg, Adv. with
Ms. Varnika Bajaj, Ms. Mani Shankar
& Ms. Prista Devi, Advs.

versus

STATE

..... Respondent

Through Mr. Amit Chadha, APP for State.
Insp. Satender Sangwan Crime Branch
SI Anil Dutt PS Lajpat Nagar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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17.02.2020

Crl. M.A. 3583/2020

Allowed, subject to all just exceptions.

Application is disposed of.

Bail Appln. 461/2020

The present petition is filed under section 439 Cr.P.C. for grant of bail in pursuance to FIR No.51/2013 registered at Police Station Lajpat Nagar for the offences punishable under section 302/394 IPC.

Case of petitioner is that he has been falsely implicated in the present case and was wrongly picked up from his residence at Delhi and illegally arrested on 24.02.2013 and since then, he is in judicial custody.

Learned counsel for petitioner submits that FIR makes no mention of

the name of petitioner and he has been implicated in the present case on disclosure statement of co-accused Harish made before the Police, however, said statement is not admissible in view of section 25 of Indian Evidence Act.

Learned counsel further submits that above-named Harish has not specifically given name of the petitioner. There is no eye-witness to the incident. The police has not brought any incriminating material against the petitioner and has not filed any evidence to show any direct connection of petitioner with crime.

Learned APP has opposed present petition and submits that out of 23 witnesses, 18 witnesses have already been examined and trial is at fag end, therefore, at this stage, present petition deserves to be dismissed.

Fact remains that on 12.07.2019, application of petitioner was disposed of by directing the Trial Court to conclude the trial by examining the remaining prosecution witnesses and defence evidence, if any, preferably within six months as only five witnesses had to be examined. Thereafter, no prosecution witness has been examined, however, five witnesses are yet to be examined.

Moreover, Trial Court has not sought extension of time to conclude the trial. Accordingly, I am of the view that petitioner deserves bail.

Accordingly, the petitioner shall be released on bail on his furnishing personal bond in the sum of ₹25,000/- with two sureties of the like amount to the satisfaction of Trial Court.

The petitioner shall report to the police station every week on Sunday between 4 pm to 6 pm.

He is also directed to furnish his address to the IO and if there is any

change of address, the same shall also be furnished immediately.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case. The Trial Court shall not get influenced by the observations made by this Court, while passing the final orders in the trial.

The present petition is allowed and disposed of.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

Order *dasti* under the signatures of Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 17, 2020

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