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

+ **BAIL APPLN. 1600/2020**

SHIVAM GUPTA (IN CUSTODY SINCE 05/01/2014)Applicant

Through: **Mr.Krishan Pal Mavi, Advocate.**

Versus

**STATE GOVT. OF NCT OF DELHI THROUGH POLICE
COMMISSIONER & ANR.**

.....Respondents

Through: **Mr.Kewal Singh Ahuja, APP for State.**

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% 28.07.2020

(hearing through Video Conferencing)

Vide the present application, the applicant has sought the grant of bail in relation to FIR No.568/2013, PS New Ashok Nagar under Sections 302/392/397/34 of the Indian Penal Code, 1860.

At the outset, on behalf of the State reliance is sought to be placed on the verdict in W.P. (Crl.) 1481/2009 titled as ***“Jasbir Singh Sodhi Vs. Union of India (UOI) and Ors.”*** a verdict dated 07.01.2010 and in BAIL APPLN. 1299/2020 titled as ***“AZHARUDIN alias AJRU alias KADWA Vs. State”*** a verdict dated 03.07.2020 to submit to the effect that the applicant ought to have first sought redressal before the learned Trial Court seeking the grant of bail. Reliance is likewise placed on behalf of

the State on the verdict of this Court in Bail Appln. 1565/2012 titled as ***“Gopal Goyal Vs. State of Nct of Delhi”*** decided on 19.11.2012.

On behalf of the petitioner, learned counsel for the petitioner adverts to paragraph 10 of the petition, wherein it has been stated to the effect that the bail application filed before this Court is the first bail application and that the petitioner has not approached the trial Court due to lockdown.

In as much as, the trial Courts are hearing bail application, it would be appropriate that the petitioner seeks redressal before the learned Trial Court.

In the circumstances, learned counsel for the petitioner seeks to withdraw the present bail application seeking liberty to seek redressal before the learned Trial Court.

The application is thus, dismissed as withdrawn with liberty granted, as prayed to seek redressal before the learned Trial Court.

In as much as, the PS New Ashok Nagar falls within the jurisdiction of the East District, the learned District and Sessions Judge of the East District, Delhi shall ensure that in the event of a bail application being filed by the applicant in relation to the instant case, the same be listed before the concerned Court dealing with the bail applications within a period of two days and disposed of in any event within a period of seven days of the same being filed.

Copy of this order be sent to the learned District & Sessions Judge, East, Delhi for compliance.

ANU MALHOTRA, J

JULY 28, 2020

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