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

+ **BAIL APPLN. 1883/2023**

GAURAV @ SUNNY

..... Applicant

Through: Adv. Akhil Sharma, Adv.
Shree Needhi Singh &
Adv. Randhir Singh.
through V.C.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Pradeep Gahlot, APP
for the State with Insp.
Anil Gupta, PS Patel
Garden.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

09.02.2024

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1. The learned Additional Public Prosecutor for the State, at the outset, submits that only one witness remains to be examined and the matter is now fixed before the learned Trial Court on 02.03.2024.
2. Even though, this Court by order dated 31.05.2023 had issued notice in the present bail application, and thereafter by order dated 11.10.2023, had directed the State to place on record the CDR of the applicant and also the deceased in order to examine the same for the purpose of the present bail application, this Court does not consider it apposite to adjudicate the present application when the trial is at the fag end.
3. The learned counsel for the applicant submits that this is a case of no evidence. The same, however, at this stage, does not appear to be correct.



4. The status report points out that the CDRs indicate that on the date of incident, the deceased had received 16 phone calls and one text message from the applicant's phone number.
5. It is pointed out by the learned Additional Public Prosecutor for the State that bloodstained clothes of the applicant that he had worn at the time of the incident and knife (weapon of offence) were recovered at the instance of the applicant.
6. The learned counsel for the applicant, however, submits that no finger prints were found on the knife which was allegedly recovered at the instance of the applicant.
7. The Court, at this stage, is not required to appreciate the evidence in detail since the same would prejudice the outcome of trial. *Prima facie*, the allegations against the applicant cannot be called baseless or without any evidence.
8. The evidentiary value of the material would be tested by the learned Trial Court at the time of final hearing.
9. The allegations and defences, in this regard, would be the subject matter of the final arguments in the trial, which as noted above, is at the fag end.
10. In view of the above, the present application is dismissed.
11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

FEBRUARY 9, 2024
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