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

+ **BAIL APPLN. 2215/2023**

PRIYA GUPTA

.....Petitioner

Through: Dr. L.S. Chaudhary, Dr. Ajay Chaudhary, Ms. Kavita Krishnia, Mr. Bharat Chaudhary and Mr. Vikram Singh, Advocates with Petitioner in-person.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Ms. Richa Dhawan, APP for the State.

Insp. Kuldeep Sharma, PS Patel Nagar.

Insp. Pankaj Kumar, EOW.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

03.07.2024

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1. The present application under Section 439 Cr.P.C has been filed by the Petitioner for grant of regular bail in FIR No.29/2021, registered at Police Station Patel Nagar, Delhi for the offence under Sections 302/201 of IPC.

2. There are 10 public witnesses out of which two witnesses have been examined and the remaining witnesses have been partially examined. The Petitioner has been in custody since 12.02.2021 and more than three years have passed. When this Court suggested that the Petitioner can approach the competent Court after all the witnesses are examined, learned Counsel for the Petitioner, after some arguments, states that he is not pressing the bail application at this juncture.



3. The Petitioner has been granted interim bail *vide* Order dated 28.03.2024 passed by this Court on the ground that Petitioner's two children who are 12 years and 7 years of age respectively are staying with their aunt i.e., mother of the sister-in-law of the Petitioner and the mother of the sister-in-law has undergone a major operation of her ear, due to which she had to go to Punjab and she has started staying there. This Court also observed that the children of the Petitioner were then shifted to the house of the sister-in-law, who has recently delivered a child on 06.02.2024. It is stated that the sister-in-law has been diagnosed with Tuberculosis and, therefore, she is not in a position to take care of the children of the Petitioner. It is, therefore, stated that some time may be granted to the Petitioner to ensure that the children are relocated to a safe place.

4. Keeping the interest of the children in mind, this Court is inclined to extend the interim bail of the Petitioner for 10 days. Accordingly, the interim bail of the Petitioner is extended for a period of 10 days. The Petitioner is directed to surrender on or before 15.07.2024.

5. The application is disposed of. It is made clear that this Court has not expressed any opinion on the merits of the case.

6. The Trial Court is directed to expedite the examination of public witnesses and complete the examination within four months from today.

7. Liberty is granted to the Petitioner to approach the Competent Court for grant of bail in case the witnesses are not examined within four months.

SUBRAMONIUM PRASAD, J

JULY 03, 2024

S. Zakir