



2024:DHC:171



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

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Reserved on : 18.12.2023

Pronounced on : 10.01.2024

+ **BAIL APPLN. 2249/2023**

DEEPAK KUMAR (IN JC)

..... Petitioner

Through: Mr. Sanjay Mishra and Ms. Shivani
Kataria, Advocates.

versus

STATE OF NCT DELHI & ANR.

..... Respondents

Through: Mr. Raghuinder Verma, APP for the
State with Insp. Ritesh, PS
Wazirabad.

Mr. Krishan Kumar, Advocate for
complainant along with complainant
in person.

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present petition has been preferred by the petitioner under Section 439 Cr.P.C. seeking regular bail. The petitioner surrendered in the present case on 19.09.2019 and charges under Sections 498A/304B/201/34 IPC were framed against the petitioner.

2. I have heard the arguments, perused the records of the case and statements made by PW-1 and PW-2 who are the parents of the deceased.



3. Admittedly, the petitioner is in judicial custody for the last more than four years. It is argued looking into the custody of the petitioner which is more than half of the sentence which could be awarded under Section 304B IPC, the petitioner be granted bail as there are other witnesses to be examined and the trial may take sufficient time to conclude.

4. Learned counsel for the petitioner has relied upon ***Supreme Court Legal Aid Committee Vs. Union of India and Others 1994 (3) Crimes 644 SC*** and ***Sajid Khan Vs. State of Rajasthan & Anr. (Special Leave to Appeal (Crl.) No(s) 2290/2023)*** decided by the Hon'ble Supreme Court on 14.08.2023.

5. Considering the facts and circumstances of this case and also the fact that two co-accused are already on bail, the petitioner has already undergone more than half of the minimum sentence which could be awarded under Section 304B IPC, parents of the deceased have already been examined, other witnesses are also to be examined, therefore in these circumstances, the petition is allowed. The petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the trial court concerned. The petitioner shall furnish his contact/address details to the investigating officer/SHO concerned.

6. The petition is disposed of accordingly.



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7. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

JANUARY 10, 2024/ib